
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- School Receivership
- Solid Waste Management Regulations
- Conforming Changes Related to Chapter 106 of the Laws of 2015

Rule Review

Notice of Availability of State and Federal Funds

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on May 15, 2016
- the 45-day period expires on April 30, 2016
- the 30-day period expires on April 15, 2016

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
ACTING SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

For press and media inquiries call:
(518) 474-0050

For *State Register* production, scheduling and subscription information
call: (518) 474-6957
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements
call: (518) 474-6740
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:
www.dos.ny.gov/info/register.htm



The **New York State Register** (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The **New York State Register** is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after public comments are due.

The Administrative Regulations Review Commission (ARRC) is charged with the task of reviewing newly proposed regulations to examine the issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four “Quarterly Index” issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

The *Register* costs \$80 a year for a subscription mailed first class and \$40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

Rule Making Activities

Civil Service, Department of

1 / Jurisdictional Classification (P)

Education Department

2 / School Receivership (RP)

Environmental Conservation, Department of

4 / Solid Waste Management Regulations (P)

Gaming Commission, New York State

9 / Lottery Subscription Program (A)

9 / Manner in Which Prize Payments Are Made (A)

9 / Prohibiting the Administration of Stanazolol to Racehorses (A)

10 / Suspension and Revocation of a Lottery Agent's License (A)

10 / Plan of Operation for the Jockey Injury Compensation Fund (A)

Health, Department of

10 / Standards for Individual Onsite Water Supply and Individual Onsite Wastewater Treatment Systems (A)

11 / General Provisions Concerning State Aid Eligibility (A)

Niagara Falls Water Board

11 / Adoption of Rates, Fees and Charges (A)

People with Developmental Disabilities, Office for

11 / Conforming Changes Related to Chapter 106 of the Laws of 2015 (EP)

Public Service Commission

13 / Property Tax Refunds (A)

13 / Minor Rate Filing (A)

14 / Property Tax Refunds (A)

14 / Tariff Amendments to Rule 28 Contained in P.S.C No. 220—Electricity (A)

14 / Petition for Clarification of Commission's Order (A)

14 / Repowering of the Cayuga Generating Facility (A)

15 / Property Tax Refunds (A)

15 / Joint Proposal to Recover Costs of an ARSSA (A)

15 / Transfer of Ownership Interests in Cayuga and Somerset (A)

15 / Motion Regarding the IPEC Reliability Contingency Plan (A)

16 / Surcharge to Recover Repair Costs (A)

16 / Petition to Transfer Street Lighting Facilities (A)

16 / Petition to Waive Monthly Billing for Net-Metered Customers (A)

16 / Joint Petition for Purchase of All Assets (A)

17 / Tariff Amendments to Rule 34 and Service Classification No. 12 (A)

17 / Adoption of the IRM of 17.5% Established by the NYSRC (A)

17 / Petition to Eliminate Quarterly Reporting on Electronic Deferred Payment Agreements (P)

17 / Proposed Zero-Emissions Credits Purchase Program Regarding Certain Nuclear Power Plants (P)

18 / To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

(P)

19 / Leakage Survey and Corrosion Inspection Requirements (P)

19 / To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment
(P)

20 / Notice of Intent to Submeter Electricity (P)

20 / Rolling Meadows Water Corporation's Rates for the Provision of Water (P)

21 / Lease of Real Property (P)

State University of New York

21 / Addition of New Street Name and Traffic Pattern Changes at the Medical Center of Stony Brook
University (A)

Hearings Schedule for Proposed Rule Makings / 22

Action Pending Index / 23

Rule Review

73 / Mental Health, Office of

Advertisements for Bidders/Contractors

75 / Sealed Bids

Notice of Availability of State and Federal Funds

83 / Homeland Security and Emergency Services, Division of

Miscellaneous Notices/Hearings

85 / Notice of Abandoned Property Received by the State Comptroller

85 / Public Notice

RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

- AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-11-16-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendixes 1 and 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete positions from and classify positions in the exempt and non-competitive classes.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Financial Services, by deleting therefrom the positions of Assistant Director Insurance Frauds Bureau and Director Insurance Frauds Bureau and by adding thereto the positions of Assistant Director Financial Services Frauds Bureau and Director Financial Services Frauds Bureau; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Financial Services, by deleting therefrom the positions of Insurance Frauds Investigator 1 (32), Insurance Frauds Investigator 2 (20), Insurance Frauds Investigator 3 (10), Insurance Frauds Investigator 4 (2) and Insurance Frauds Investigator 5 (1) and by adding there to the positions of Financial Services Frauds Investigator 1 (32), Financial Services Frauds Investigator 2 (20), Financial Services Frauds Investigator 3 (10), Financial Services Frauds Investigator 4 (2) and Financial Services Frauds Investigator 5 (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-11-16-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of General Services," by adding thereto the position of Director Affirmative Action Programs.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was

previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-11-16-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Gaming Commission," by adding thereto the positions of Minority Business Specialist 1 (1) and Minority Business Specialist 2 (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Education Department

REVISED RULE MAKING NO HEARING(S) SCHEDULED

School Receivership

I.D. No. EDU-27-15-00008-RP

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following revised rule:

Proposed Action: Addition of section 100.19 to Title 8 NYCRR.

Statutory authority: Education Law, sections 207 (not subdivided), 211-f(15), 215 (not subdivided), 305(1), (2), (20), 308 (not subdivided) and 309 (not subdivided); L. 2015, ch. 56, part EE, subpart H

Subject: School receivership.

Purpose: To implement Education Law section 211-f, as added by part EE, subpart H of ch. 56 of the Laws of 2015.

Substance of revised rule: The Commissioner of Education proposes to add a new section 100.19 of the Commissioner's Regulations. The proposed rule was originally adopted as an emergency action at the June 2015 Regents meeting, effective June 23, 2015 and revised and adopted as an emergency action at the September and October 2015 Regents meetings, and readopted as an emergency action at the December 2015 and January 2016 Regents meeting. A Notice of Revised Rule Making was subsequently published in the State Register on February 24, 2016. The proposed rule has now been further revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith. The following is a summary of the substantive provisions of the revised rule.

Section 100.19(a), Definitions, provides the definitions used in the section, including the definitions of Failing School (Struggling School), Persistently Failing School (Persistently Struggling School), Priority School, School District in Good Standing, School District Superintendent Receiver, Independent Receiver, School District, Community School, Board of Education, Department-approved Intervention Model, School Intervention Plan, School Receiver, Diagnostic Tool for School and District Effectiveness, Consultation and Cooperation, Consultation, Consulting and Day.

§ 100.19(b), Designation of Schools as Failing and Persistently Failing, explains the process by which the Commissioner shall designate schools as Struggling or Persistently Struggling and clarifies that school districts will have the opportunity to present data and relevant information concerning extenuating or extraordinary circumstances faced by the school that should cause it not to be identified as a Struggling or a Persistently Struggling School.

§ 100.19(c), Public Notice and Hearing and Community Engagement, details the process and timeline for notifying parents and the community regarding the Struggling or Persistently Struggling designation, the establishment of a Community Engagement Team, and the role of the Community Engagement Team in the development of recommendations for the identified school. The regulations would require at least one public meeting or hearing annually regarding the status of the school and annual notification to parents of the school's designation and its implications. The regulations also detail the process by which the hearing shall be conducted and notifications made. Additionally, the subdivision specifies that the district superintendent receiver is required to develop a community engagement plan for approval by the Commissioner.

§ 100.19(d), School District Receivership, specifies that the superintendent shall be vested with the powers of the receiver for Persistently Struggling Schools for the 2015-16 school year and with the powers of the receiver for Struggling Schools for the 2015-16 and 2016-17 school years, provided that there is a Department approved intervention model or comprehensive education plan in place for these school years that includes rigorous performance metrics. The school district superintendent receiver shall provide quarterly written reports regarding implementation of the department-approved intervention model or school comprehensive education plan, and such reports, together with a plain-language summary thereof, shall be made publicly available. At the end of the 2015-16 school year, the Commissioner will review (in consultation and collaboration with the district) the performance of the Persistently Struggling School to determine whether the school can continue under the superintendent receivership or whether the district must appoint an independent receiver for the school. Similarly, the Department will review the performance of Struggling Schools after two years to determine whether the schools can continue under the superintendent receivership or whether the district must appoint an independent receiver for the school.

§ 100.19(e), Appointment of an Independent Receiver, details the timeline and process for appointment of an independent receiver for Persistently Struggling and Struggling Schools and the process by which the Commissioner approves and contracts with the independent receiver. The section also details the power of the Commissioner to appoint an independent receiver if the district fails within sixty days to appoint an independent receiver that meets the Commissioner's approval. The subdivision clarifies that districts may appoint independent receivers from a department approved list or provide evidence of qualifications of a receiver not on the approved list. Additionally, the subdivision specifies what happens when the Commissioner must appoint an interim receiver.

§ 100.19(f), School Intervention Plan, describes the timeline and process by which the independent receiver will submit to the Commissioner for approval a school intervention plan and the specific components of that plan, including the metrics that will be used to evaluate plan implementation. Each approved school intervention plan must be submitted within six months of the independent receiver's appointment and this approval is authorized for a period of no more than three years. Each approved school intervention plan must be based on input from stakeholders delineated in the subdivision and a stakeholder engagement plan must be provided to the Commissioner within ten days of the independent receiver entering into a contract with the Commissioner. The school intervention plan must also be based upon recent diagnostic reviews and student achievement data. The independent receiver must provide quarterly reports, and plain-language summaries thereof, regarding the progress of implementing the school intervention plan to the local board of education, the Board of Regents, and the Commissioner. In order to provide additional direction to school districts, the regulations further delineate that in converting a school to a community school, the receiver must follow a particular process and meet minimum program requirements. The subdivision further clarifies that if the independent receiver cannot create an approvable plan, the Commissioner may appoint a new independent receiver.

§ 100.19(g), Powers and Duties of a Receiver, delineates the powers and duties of a school receiver, and the powers and duties that an independent receiver has in developing and implementing a school intervention plan. The independent receiver is required to convert the school to a community school and to submit an approvable school intervention plan to the Commissioner. The receiver (both the superintendent receiver and the independent receiver) has powers that may be exercised in the areas of school program and curriculum development; staffing, including replacement of teachers and administrators; school budget; expansion of the school day or year; professional development for staff; conversion of the school to a charter school; and requesting changes to the collective bargaining agreement at the identified school in areas that impact implementation of the school intervention plan. This section also describes the power of the receiver (both the superintendent and the independent receiver) to supersede decisions, policies, or local school district regulations that the receiver, in his/her sole judgment, believes impedes implementation of the school intervention plan.

Under the provisions of this subdivision, the receiver must notify the board of education, superintendent, and principal when the receiver is superseding their authority. The receiver must provide a reason for the supersession and an opportunity for the supersession to be appealed, all within a timeline prescribed in the regulations. This subdivision also delineates a similar process by which the receiver reviews and makes changes to the school budget and supersedes employment decisions regarding staff employed in schools operating under receivership.

§ 100.19(h), Annual Evaluation of Schools with an Appointed Independent Receiver, describes how the Commissioner, in collaboration and consultation with the district, will conduct an annual evaluation of each school to determine whether the school is meeting the performance goals and progressing in implementation of the school intervention plan. As a result of this evaluation, the Commissioner may allow the receiver to continue with the approved plan or require the receiver to modify the school intervention plan.

§ 100.19(i), Expiration of School Intervention Plan, describes the process by which the Commissioner evaluates the progress of the school under the receiver's school intervention plan after a three year period. Based on the results of the evaluation, the Commissioner may renew the plan with the independent receiver for not more than three years; terminate the independent receiver and appoint a new receiver; or determine that the school has improved sufficiently to be removed from Failing or Persistently Failing status.

§ 100.19(j), Phase-out and Closure of Failing and Persistently Failing School, states that nothing in these regulations shall prohibit the Commissioner from directing a school district to phase out or close a school, the Board of Regents from revoking the registration of a school, or a district from closing or phasing out a school with the approval of the Commissioner.

§ 100.19(k), regarding the Commissioner's evaluation of a school

receivership program, requires the school receiver to provide any reports or other information requested by the Commissioner, in such form and format and according to such timeline as may be prescribed by the Commissioner, in order for the Commissioner to conduct an evaluation of the school receivership program.

Revised rule making(s) were previously published in the State Register on October 7, 2015 and November 10, 2015.

Revised rule compared with proposed rule: Substantive revisions were made in section 100.19(c)(2), (g)(5) and (9).

Text of revised proposed rule and any required statements and analyses may be obtained from Kirti Goswami, State Education Department, Office of Counsel, State Education Building, Room 148, 89 Washington Ave., Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Cheryl Atkinson, Associate Commissioner, State Education Department, Office of P-12 Education, State Education Building, 2M West, 89 Washington Ave., Albany, NY 12234, (518) 474-5520, email: NYSEDP12@nysed.gov

Public comment will be received until: 30 days after publication of this notice.

Revised Regulatory Impact Statement

Since publication of a Notice of Revised Rule Making in the State Register on February 24, 2016, the following revisions have been made to the proposed rule.

The Notice of Revised Rule Making published in the February 24, 2016 State Register [EDU-27-15-00008-RP] inadvertently omitted language in section 100.19(g)(5)(iii) relating to procedures for collective bargaining (which language was previously added pursuant to the Notice of Emergency Adoption and Revised Rule Making published in the November 10, 2016 State Register [EDU-27-15-00008-ERP]), and replaced the omitted language with language from a prior draft of the proposed rule. Section 100.19(g)(5)(iii) has been revised to reinstate the omitted language and delete the prior draft language.

Section 100.19(c)(2)(i) has been revised to delete language providing that a community engagement team can be a district-level team if one district has several schools in receivership, as long as each receivership school is represented on this district-level team. Such provision is inconsistent with Education Law § 211-f(1-a) which provides for the establishment of a community engagement team for each school designated as failing or persistently failing, and thus precludes a district-level team.

Section 100.19(c)(2)(i) has been revised to delete language providing that a community engagement team may include agencies (e.g.: mental health, health services, social services, early childhood, expanded learning opportunities, mentoring, youth development, early childhood, CTE, workforce development, and higher education institutions) with an integrated focus on rigorous academics and the fostering of a positive and supportive learning environment, and a range of school-based and school-linked programs and services that lead to improved student learning, stronger families, and healthier communities. Specification of types of agencies in the proposed rule is unnecessary and inappropriate and issues involving their inclusion in community engagement teams can be best addressed in guidance.

Section 100.19(g)(9)(iii)(b) has been revised to specify that the timeline referenced therein be determined using business days.

The above changes do not require any changes to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

Since publication of a Notice of Revised Rule Making in the State Register on February 24, 2016, substantial revisions have been made to the proposed rule as described in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above changes do not require any changes to the previously published Regulatory Flexibility Analysis.

Revised Rural Area Flexibility Analysis

Since publication of a Notice of Revised Rule Making in the State Register on February 24, 2016, substantial revisions have been made to the proposed rule as described in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above changes do not require any changes to the previously published Rural Area Flexibility Analysis.

Revised Job Impact Statement

Since publication of a Notice of Revised Rule Making in the State Register on February 24, 2016, substantial revisions have been made to the proposed rule as described in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The proposed rule, as revised, applies to public schools that are Struggling or Persistently Struggling and placed into receivership and will not result in an adverse impact on jobs or employment opportunities. Because it is evident from the nature of the revised rule that it will have no impact,

on jobs or employment opportunities, no further steps were needed to ascertain those facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Solid Waste Management Regulations

I.D. No. ENV-11-16-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Repeal of Parts 360, 362, 363, 364 and 369; addition of Parts 360, 361, 362, 363, 364, 365, 366 and 369; renumbering of Part 361 to 377; and amendment of Parts 370, 371, 372, 373, 374 and 621 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 8-0113, 19-0301, 19-0303, 19-0306, 27-1901, 27-1903, 27-1911, 54-0103, 71-2201, 72-0502; art. 17, titles 3, 5, 7, 8; art. 23, title 23; art. 27, titles 1, 3, 5, 7, 9, 10, 13, 15, 18, 21, 23, 25, 26, 27, 29; art. 54, titles 5, 7; art. 70, title 1; and art. 71, titles 27, 35, 40 and 44

Subject: Solid Waste Management Regulations.

Purpose: Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology.

Public hearing(s) will be held at: 1:00 p.m., June 2, 2016 at Suffolk County Water Authority Education Center, 260 Motor Pkwy., Hauppauge, NY; 1:00 p.m., June 6, 2016 at Department of Environmental Conservation, 625 Broadway, Rm. 129A, Albany, NY; and 1:00 p.m., June 7, 2016 at RIT Inn and Conference Center, Henrietta Ballroom, 5257 Henrietta Rd., Rochester, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/propreg-ulations.html>): This proposed rulemaking is a comprehensive revision to existing regulations. The existing regulations for solid waste management facilities are currently found in Part 360. A component of this proposed rulemaking is to subdivide the solid waste management facility regulations into groups that are similar in nature, such as facilities that recycle and recover materials. Therefore, the current Part 360 criteria will be found in Parts 360, 361, 362, 363, 365, and 366. The types of facilities covered by each proposed part are described in more detail below and in the express terms themselves. In addition to the solid waste management facilities and activities currently regulated under Part 360, this proposed rulemaking includes revisions to regulations governing waste transportation (Part 364) and state assistance grants to municipalities related to solid waste management (Part 369). This rulemaking will also incorporate minor amendments to Parts 621, 370-374.

Part 360 General Requirements:

Existing Part 360 is repealed and a new Part 360 is proposed which includes the general requirements for all solid waste management facilities. This includes definitions, general exemptions, variance criteria, financial assurance criteria, general permit application and operation standards, and provisions to petition the Department for a jurisdictional determination that a material is not a solid waste through a beneficial use determination (BUD). A new section has been added to address the management of historic fill, including criteria for the on-site use, off-site use, and disposal of the waste, as well as addition of criteria for the reuse of navigational dredged material.

Part 361 Material Recovery Facilities:

Existing 6 NYCRR Part 361 Siting of Industrial Hazardous Waste Fa-

cilities is renumbered 6 NYCRR Part 377 Siting of Industrial Hazardous Waste Facilities and a new 6 NYCRR Part 361 is proposed which includes the following subparts addressing material recovery facilities:

Subpart 361-1 Recyclables Handling and Recovery Facilities

Subpart 361-2 Land Application and Associated Storage Facilities

Subpart 361-3 Composting and Other Organics Processing Facilities

Subpart 361-4 Wood Debris and Yard Trimmings Processing Facilities

Subpart 361-5 Construction and Demolition Debris Processing Facilities

Subpart 361-6 Waste Tire Handling and Recovery Facilities

Subpart 361-7 Metal Processing and Vehicle Dismantling Facilities

Subpart 361-8 Used Cooking Oil and Yellow Grease Processing Facilities

The addition of the subpart for wood debris was added to address the issues regarding the storage of mulch at facilities by restricting pile size and other criteria to control odor and fire. A number of issues related to the management of construction and demolition (C&D) debris have resulted in instances of environmental harm, adverse impacts to residents and communities in the State, and significant costs for clean-up of illegal disposal. The Department has evaluated these issues and has implemented several targeted enforcement strategies with limited long-term success. The impediments encountered in these efforts are addressed by a number of revisions related to C&D debris management in the proposal.

Part 362 Combustion, Thermal Treatment, Transfer and Collection Facilities:

Existing 6 NYCRR Part 362 State Aid to Municipalities For Planning the Construction Or Improvement Of Solid Waste Disposal Facilities is repealed and a new 6 NYCRR Part 362 is proposed which contains the following subparts:

Subpart 362-1 Combustion Facilities and Thermal Treatment Facilities

Subpart 362-2 Municipal Solid Waste Processing Facilities

Subpart 362-3 Transfer Facilities

Subpart 362-4 Household Hazardous Collection Facilities and Events

The proposed revisions restrict several source-separated waste streams from being managed in municipal waste combustors or thermal treatment facilities that accept municipal solid waste (MSW). The proposal requires municipal waste combustors, thermal treatment facilities that process MSW, and transfer facilities that transport wastes out-of-state to install and utilize fixed radiation detectors to monitor all incoming waste loads. To increase material recovery, the revisions will allow transfer facilities also authorized as recyclables handling and recovery facilities to accept particular source-separated waste streams for recycling. The current household hazardous waste regulations located in Subpart 373-4 are proposed to be repealed and the requirements of that subpart to be incorporated into this new Part.

Part 363 Landfills:

Existing 6 NYCRR Part 363 State Aid For Planning For Collection, Treatment and Disposal of Refuse is repealed and a new 6 NYCRR Part 363 addressing landfills is proposed. The proposed revisions require active collection and destruction of landfill gas for all new MSW landfills and for subsequent development at existing MSW landfills. Part 363 also includes new language to clarify the responsibilities of landfill owners after landfill closure. Under the proposed revisions, post-closure care activities including leachate collection and treatment; landfill cover maintenance and repair; regular landfill gas, groundwater, and surface water monitoring; and regular inspection must be conducted until the owner or operator can demonstrate to the Department that the landfill's potential threat to public health or the environment has been reduced to a level where environmental monitoring and maintenance can be reduced. The facility manual for a landfill will now include a requirement for a custodial care plan. Throughout both the post-closure and custodial care periods, the owner or operator must maintain financial assurance to ensure that post-closure and custodial care activities will continue.

The amendments address disposal issues which have been problematic since the last major revision of Part 360. Disposal of land clearing debris has become problematic in some areas of the state, creating nuisance odors and reducing the amount of wood wastes that could be directed to reuse or recycling. Therefore, the current registration and exemption for disposal of land clearing debris have been removed and replaced with an exemption for a facility no more than one acre in size for the disposal of tree debris. This exemption will not be available in Nassau and Suffolk counties. Current regulations exempt disposal of certain materials such as uncontaminated concrete and concrete products, asphalt pavement, brick, glass, soil, and rock. There are currently no volume or size restrictions associated with this exemption, and several areas of the state have experienced problems with large-volume exempt disposal sites which have impacted surrounding communities. In addition, non-exempt wastes such as processing residues have been found at exempt sites. The proposed revisions replace the current exemption for the disposal of these materials with an exemption that prohibits disposal of processing residues at an

exempt site, and restricts disposal to no more than 5,000 cubic yards of these materials. This exemption will not be available in Nassau and Suffolk counties.

The technical criteria for landfill construction has been updated to incorporate changes in technology and frequently approved variance requests. The proposed revisions require that landfill liner integrity testing be conducted on both geomembrane liners of a double-composite liner system. The proposal will also require that the secondary leachate collection and removal system be designed to a minimum flowrate capacity of 1000 gallons per acre per day to ensure rapid detection of leaks.

A sustainability plan will now be required as a part of all landfill applications. The plan will address operations that will conserve landfill airspace, encourage diversion of natural resources, reduce receipt of organic wastes, utilize alternative operating cover materials, enhance waste mass stabilization, include landfill reclamation techniques, and utilize other sustainable landfill management techniques.

Part 364 Waste Transporters:

Existing 6 NYCRR Part 364 Waste Transporter Permits is repealed and a new 6 NYCRR Part 364 Waste Transporters is proposed. The new Part 364 has been revised to operate in concert with new Parts 360, 361, 362, 363 and 365 and to include tracking of wastes that have been a problem or concern such as C&D debris, historic fill, and drilling and production waste, and to exclude the permitting of wastes with little potential harm when transported. The proposed regulation includes a requirement for waste tracking forms for the transport of certain wastes including C&D debris (both to processing or disposal facilities as well as residues from C&D debris processing facilities), drilling and production waste, and historic fill. Regulated medical waste will continue to require a tracking form. Exemptions have been clarified and new exemptions added for electronics destined for recovery, elemental mercury and dental amalgam from dental facilities destined for mercury recovery, and regulated medical waste transported by emergency rescue vehicles.

Part 365 Biohazard Waste Management Facilities:

A new Part 365 is proposed to consolidate all the treatment and management of RMW in one location, address all wastes that present a biological hazard and contain the standards for treatment and management of those wastes. This Part includes criteria for regulated medical waste, household medical waste sharps collection, biohazard-incident waste, and animal and contaminated food supply waste. The proposal identifies standards for handling and storage of regulated medical waste at the site of generation and for trauma scene responders, provides operation requirements for autoclave and alternative treatment devices, and provides requirements for sharps consolidation and reusable device sorting.

Part 366 Local Solid Waste Management Planning:

A new Part 366 Local Solid Waste Management Planning is proposed. The current requirement for updates, modifications and biennial compliance reports for local solid waste management plans (LSWMPs) has been replaced with a requirement for an annual planning unit report, accompanied every other year with a biennial update. These updates will allow for evaluation and adjustment of the LSWMP, taking into account changes that will occur on a routine basis following initial LSWMP approval. Part 366 also clarifies the process in which the public is to be involved in the preparation of an LSWMP to ensure consistent application across the state. The streamlining and reorganization of the LSWMP process is intended to make the preparation and implementation of LSWMPs less complicated for municipalities, yet at the same time assist them in reducing the amount of waste they are disposing and increase the percentages of recyclables removed from the waste stream.

Part 369 State Assistance Projects:

Existing Part 369 Municipal Waste Reduction and Recycling Projects is repealed and a new Part 369 is proposed addressing state assistance projects. Currently, state assistance programs for municipalities for waste reduction and recycling are guided by the Part 369 regulations. Landfill closure is governed by Subpart 360-9, landfill gas collection is administered through a program policy, and household hazardous waste is covered by Subpart 373-4. These various state assistance programs related to solid waste management will be consolidated into the new Part 369. There has been concern in the past regarding funding of waste reduction and recycling education and coordination projects and positions; the delay in reimbursement to municipalities can be problematic for municipal budgeting, and has even resulted in some municipalities eliminating these important positions. The proposed revisions establish separate funding categories for capital waste reduction, recycling and household hazardous waste projects; waste reduction and recycling education and coordination projects; household hazardous waste collection and disposal; as well as establishment of an annual application process for education/coordination; and household hazardous waste (HHW) collection programs to better control and direct available funding to municipalities in a timely manner. For the annually funded projects, should insufficient funds be available to provide 50% reimbursement, the department may either lower the percentage or set a dollar maximum on the funding level.

Due to changing technologies and evolving priorities, the department needs to have flexibility to help advance certain waste reduction and recycling activities and projects in the state. In order to accomplish this, the proposed revisions establish a targeted priority area assistance program that the Department can use as needed in accordance with available funding and program needs and priorities.

In order to ensure that funded projects are well thought out and part of a reasonable and structured program consistent with state and local waste reduction and recycling efforts, awarding of state assistance grants will be limited to municipalities guided by approved Local Solid Waste Management Plans (LSWMPs) or Comprehensive Recycling Analyses (CRAs) or those found to be making substantial progress toward completion of an LSWMP or CRA, unless unique circumstances prevent the municipality from completing an LSWMP or CRA in a timely fashion.

Text of proposed rule and any required statements and analyses may be obtained from: Melissa Treers, Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany 12233-7260, (518) 402-8678, email: melissa.treers@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: July 15, 2016.

Additional matter required by statute: Pursuant to the State Environmental Quality Review Act, a Positive Declaration, Environmental Impact Statement, and a Coastal Assessment Form have been prepared and are on file.

Summary of Regulatory Impact Statement

The Department of Environmental Conservation (Department) is authorized to promulgate regulations to establish requirements for solid waste management in New York State pursuant to multiple statutes which provide general and specific authority.

This proposed rulemaking is a comprehensive revision to existing regulations. The existing regulations for solid waste management facilities are currently found in Part 360. A component of this proposed rulemaking is to subdivide the solid waste management facility regulations into groups that are similar in nature, such as facilities that recycle and recover materials. Therefore, the current Part 360 criteria will be found in Parts 360, 361, 362, 363, 365, 366 and 369. This proposed rulemaking also includes revisions to regulations governing waste transportation (Part 364) and state funding of municipal waste reduction and recycling projects (Part 369). In addition to the amendments to existing Parts 360, 364, and 369, this rulemaking will incorporate minor amendments to Parts 621, 361, 362, 363, 370, 371, 372, 373 and 374 as outlined below:

The proposed amendments to Part 621, Uniform Procedures specifically address paragraph 621.4(m)(2), which sets forth a list of minor solid waste management facility projects for the purpose of outlining those facilities with little potential environmental impact.

Existing Parts 362 and 363 are antiquated state aid regulations which are no longer funded or needed and will be repealed and replaced with the proposed Parts 362 and 363.

Minor revisions addressing renumbering will be made to existing Parts 370-374 to ensure appropriate cross references.

Proposed revisions to existing Part 360 also include removal of existing Subpart 360-14 regulatory criteria for used oil. The regulatory criteria and requirements for used oil will be contained solely in Subpart 374-2, Standards for the Management of Used Oil. Permits for used oil handling facilities will continue to be issued pursuant to Part 360.

This rulemaking will also include specific amendments to 6 NYCRR Subpart 373-4, Facility Standards for the Collection of Household Hazardous Waste and Hazardous Waste from Conditionally Exempt Small Quantity Generators. Under this rulemaking, existing Subpart 373-4 is proposed to be repealed and the requirements of that subpart are proposed to be incorporated into the new Subpart 362-4.

In addition, existing Part 361, Siting of Industrial Hazardous Waste Facilities, will be renumbered as Part 377.

1. STATUTORY AUTHORITY

The Department's statutory authority to undertake amendments to Part 360 is found in Environmental Conservation Law Sections 1-0101, 3-0301, 8-0113, Titles 3, 5, 7 and 8 of Article 17, 19-0301, 19-0303, 19-0306, Title 23 of Article 23, Titles 1, 3, 5, 7, 9, 10, 13, 15, 18, 21, 23, 25, 26, 27, 29 of Article 27, 27-1901, 27-1903, 27-1911, 54-0103, Titles 5 and 7 of Article 54, Title 1 of Article 70, 71-2201, Titles 27, 35, 40 and 44 of Article 71, and 72-0502.

2. LEGISLATIVE OBJECTIVES

The overarching legislative objective of ECL Article 27 as it relates to solid waste management is found in ECL Section 27-0703, authorizing the department to:

Adopt and promulgate, amend and repeal rules and regulations governing the operation of solid waste management facilities. Such rules and regulations shall be directed at the prevention or reduction of (a) water pollution, (b) air pollution, (c) noise pollution, (d) obnoxious odors, (e) unsightly conditions, caused by uncontrolled release of litter, and (f) infes-

tation of flies and vermin, and other conditions inimical to the public health, safety, and welfare. In promulgating such rules and regulations, the department shall give due regard to the economic and technological feasibility of compliance therewith. Any rule or regulation promulgated pursuant hereto may differ in its terms and provisions as between particular types of solid waste management facilities and as between particular areas of the state.

3. NEEDS AND BENEFITS

The last comprehensive revisions to the regulations governing solid waste management in New York State occurred 20 years ago in 1993. Many changes in law and technology have occurred in that time period that dictate the need for an overhaul of the regulations at this time. In the last two decades the Department has gained significant knowledge on the proper technical criteria for these facilities and this knowledge needs to be reflected in the regulations.

For landfills and other solid waste management facilities, updating the regulatory criteria does not mean more stringent criteria in all cases. If Department research and experience has found that a current regulatory requirement is too stringent, the proposed revision will justifiably lessen the burden on the regulated community. In all cases, the goal of the revisions is to ensure that the citizens of New York State are protected by the most up to date and appropriate solid waste management regulations.

Existing Part 361, Siting of Industrial Hazardous Waste Facilities, will be renumbered Part 377. Existing Parts 362 and 363 are antiquated regulations which are no longer needed. Existing 6 NYCRR Part 369 Municipal Waste Reduction and Recycling Projects regulation is proposed to be repealed and replaced with Part 369 State Assistance Projects.

The proposal includes significant reorganization and subdivision of requirements contained in the existing 6 NYCRR Part 360 into a Part 360 series, which will include:

- Part 360 General Requirements
- Part 361 Material Recovery Facilities
- Part 362 Combustion, Thermal Treatment, Transfer, and Collection Facilities
- Part 363 Landfills
- Part 365 Biohazard Waste Management Facilities
- Part 366 Local Solid Waste Management Planning
- Part 369 State Assistance Projects

In addition, the proposal also repeals and replaces existing 6 NYCRR Part 364 Waste Transporter Permits regulations to incorporate legal and policy developments and experiences gained since the last major revision of these regulations.

Many new or expanded solid waste management facilities, particularly recycling facilities and landfills, have been constructed since the last comprehensive revision in 1993, providing the Department with experience in applying those regulations. This experience has demonstrated that many areas of the regulations would benefit from revision, clarification, or modification to allow for new, technically appropriate alternatives to the design and operation criteria for solid waste management facilities found in the existing regulations, and to streamline the regulatory process.

4. COSTS

For a limited number of facilities, such as mulch facilities, the proposed regulations will result in some additional costs for regulated parties, including local governments. For most facilities, no significant change from the current regulatory program costs is anticipated.

Cost to Industry:

The majority of the action is derived from the current regulatory program as presented in existing Part 360 and various Department policies and actions which set forth Department interpretation of its authority and responsibility under the ECL to regulate solid waste management facilities in an environmentally protective manner. For the majority of involved industries the costs associated with complying will be similar or less than the costs currently incurred.

Costs to the Department and the State:

The cost to the State lies within the Department, for implementation and administration of the regulatory program. Since this is an existing regulatory program, it is not expected to be a significant increased cost to the Department.

Costs to Local Governments:

This proposal will not impose any direct costs on local governments in general. However, local governments who own and operate solid waste management facilities such as landfills may incur additional or reduced costs associated with the revised rulemaking. With respect to solid waste management planning, no additional costs are anticipated and the proposed revisions are expected to result in a reduction of municipal expenses and staff time necessary in the preparation of LSWMPs and LSWMP updates.

5. LOCAL GOVERNMENT MANDATES

The proposal does not directly mandate the expenditure of funds by any sector of local government. The rulemaking primarily updates existing regulatory criteria applicable to solid waste management facilities. If a lo-

cal government or small business owns and operates a solid waste management facility, the costs associated with revisions to criteria for that facility apply, as discussed in Section 4. The proposed rulemaking is not expected to negatively affect local governments.

6. PAPERWORK

The proposed rulemaking does not impose additional paperwork requirements for the majority of regulated entities. Transporters of C&D debris, historic fill and commercial waste will be required to register under Part 364 and comply with reporting requirements. The proposed regulations include criteria to reduce the burden of paperwork by reducing the quantity of information that must be submitted with permit applications and annual reports. Also, the proposed regulations allow electronic submissions whenever possible to ease the transfer of data and information. The Department intends to develop new forms to simplify and standardize electronic reporting requirements to ease the paperwork requirements imposed by the proposed regulations.

7. DUPLICATION

The proposed regulations are not intended to duplicate any other federal or State regulations or statutes. There is no federal regulatory program covering most of the facilities governed by Parts 360-365, 366 or 369.

8. ALTERNATIVE APPROACHES

The Department examined the "no-action" alternative, which would be to continue its present method of administering the solid waste management regulatory program. This program consists of existing Parts 360, 364 and 369, Division guidance memoranda, program policies, and interpretation of Division memoranda on solid waste management issues and topics. Continuing this approach would provide the Department with a wide degree of administrative discretion and allow for rapid changes in management to account for recent advances in solid waste management. However, this approach may result in inconsistent application of the program across the State due to variations in the interpretation of Part 360 where other department guidance is not available. Additionally, the rulemaking is one of the key recommendations of the State Solid Waste Management Plan. For these reasons, the no-action alternative was rejected.

The rulemaking has been the subject of both extensive internal review and public review and discussion for several years. The result of this process is the subject proposed rulemaking that the Department considers protective of environmental resources in a manner that limits the cost to the regulated community. In many cases, the cost to adhere to the regulatory criteria has been reduced without any reduction in environmental protection.

9. FEDERAL STANDARDS

As stated above, there are no federal regulations for most of the facilities contained in the proposed rulemaking. The current and proposed regulations for landfills and biosolids recycling exceed the federal regulatory framework found in 40 CFR Part 258 and 503, respectively.

10. COMPLIANCE SCHEDULE

For new facilities, compliance will be required upon adoption of the final rule. For existing facilities, transition provisions are specified in proposed Section 360.4.

11. INITIAL REVIEW OF RULE

The Department will conduct an initial review of the rule within 3 years as required by SAPA § 207.

Regulatory Flexibility Analysis

The proposed rulemaking will modify the Department of Environmental Conservation's (Department) existing regulations governing a broad array of solid waste management activities including the transportation of waste, local solid waste management planning, and funding of costs associated with solid waste management, as well as the design and operation of solid waste management facilities.

1. EFFECT OF RULE:

The proposed rulemaking is not expected to negatively affect small business and local governments. The rulemaking primarily updates existing regulatory criteria applicable to solid waste management facilities. If a local government or small business owns and operates a solid waste management facility, the costs associated with revisions to criteria for that facility apply.

2. COMPLIANCE REQUIREMENTS:

The proposed rulemaking does not impose additional paperwork requirements for the regulated community. The proposed regulations include criteria to reduce the burden of paperwork by reducing the quantity of information that must be submitted with permit applications and annual reports. Also, the proposed regulations allow electronic submissions whenever possible to ease the transfer of data and information.

This proposed rulemaking will not directly impose any significant service, duty or responsibility upon any county, city, town, village, school district, fire district or small business. This proposal does not directly mandate the expenditure of funds by any sector of local government.

3. PROFESSIONAL SERVICES:

The need for additional professional services for small businesses and

local governments is not anticipated. If a local government or small business is currently operating a solid waste management facility, they may already employ professional services to facilitate the operation of that facility and compliance with the regulatory requirements. The proposed revisions to the regulatory criteria are not expected to increase the level of professional services needed by those entities.

4. COMPLIANCE COSTS:

The proposed rulemaking does not impose additional paperwork requirements for most small businesses and local governments who operate solid waste management facilities or waste transportation businesses except for commercial waste transportation in quantities greater than 2000 pounds, and construction and demolition debris in quantities greater than 10 cubic yards. These transporters will be required to register and comply with reporting requirements under Part 364. However, the proposed regulations include criteria to reduce the burden of paperwork by reducing the quantity of information that must be submitted with permit applications and with annual reports. Also, the proposed regulations allow electronic submissions whenever possible to ease the transfer of data and information. The Department intends to develop new forms to simplify and standardize electronic reporting to ease the paperwork requirements imposed by the proposed regulations. Therefore, there will be no increase in cost for reporting.

This proposal will not impose any direct costs on small businesses or local governments. However, local governments and small businesses may own and operate solid waste management facilities or operate a waste transportation business. If a small business or local government owns and operates a solid waste management facility or waste transportation business, the costs associated with compliance with the revised rulemaking, including cost savings, are described below, organized by Part. As outlined below, in some cases the revisions will reduce cost associated with compliance. In others, the cost may increase.

Part 360 General Requirements:

Clarification of criteria for beneficial use determinations will help small businesses and local governments determine if their waste could be used in a beneficial manner, which could lead to cost savings through the sale of additional reused material.

Specifying criteria for the use of dredged materials will facilitate the use of appropriate materials and reduce the significant cost associated with disposal.

Part 361 Material Recovery Facilities:

An exemption for small scale food scrap composting will reduce the cost of management. An increasing the size threshold of a facility requiring registration related to food scraps will have a similar positive effect.

New standards for the management of wood debris may result in increased cost to a municipality or private firm due to the need for additional land for the quantity of material managed since pile size restrictions are included in the criteria. However, these criteria are not expected to affect most municipalities that have piles of mulch because they do not handle a significant amount of material.

The registration criteria for used cooking oil and yellow grease will result in decreased costs to a small facility owner since they will not incur the cost of obtaining a permit.

Part 362 Combustion, Thermal Treatment, Transfer and Collection Facilities:

Permitted transfer facilities from which waste is transported out of state and municipal solid waste processing facilities must install and operate a fixed radiation detection unit at a location appropriate for the monitoring of all incoming waste. The cost of purchasing this equipment ranges from \$5,000-\$7,000 per unit. The cost of maintenance, including calibration is expected to be \$2,000-\$3,000 annually.

The registration for the combustion of limited amounts of waste tires, unadulterated wood, used cooking oil and yellow grease under prescribed conditions will result in decreased costs for a small facility owner since they will not incur the cost of obtaining a permit.

Part 363 Landfills:

Elimination of the requirement to submit a site selection report for new landfill construction will result in cost savings of tens of thousands of dollars to landfill owners in preparation of this report.

The requirement for adding electrical resistivity testing on the upper and lower liner system as part of a Construction Quality Assurance (CQA) Plan will add cost to the construction of new landfill cells. Costs associated with the requirement are expected to be between \$2,000-\$3,000 per acre of geomembrane tested.

The regulations require all landfills that receive municipal solid waste to install and operate a fixed radiation detection unit at a location appropriate for the monitoring of all incoming waste. The cost of purchasing this equipment ranges from \$5,000-\$7,000 per unit. The cost of maintenance, including calibration is expected to be between \$2,000-\$3,000 annually.

The requirement for active collection and destruction of landfill gas for all new MSW landfills and for subsequent development at existing MSW

landfills will likely result in increased cost to two small existing municipal landfills in the state which currently do not conduct active collection and destruction of landfill gas if they choose to expand.

Part 364 Waste Transporters:

There may be an increased cost for transporters that will be required to register and comply with recordkeeping and reporting requirements. There are no fees associated with registration, only minor costs associated with the completion of tracking forms and the completion and submission of an annual report similar to registered facilities.

There will be a decrease in the cost of compliance for small transporters of regulated solid waste. The amount of material that can be transported without a permit will be increased from 500 to 2000 pounds. Those transporters that range between 500 and 2000 pounds will save the cost of permitting under the waste transporter program.

Part 365 Biohazard Waste Management Facilities:

Most generators choosing to treat RMW or other biohazard waste on-site will incur no additional costs since many, especially those based in healthcare, academic or research institutions already have autoclaves in place for processing their waste. Facilities that choose to treat waste on-site (that currently do not) may incur an initial cost increase to purchase treatment devices, but over the long term, will experience considerable cost savings over transportation and off-site processing costs.

The regulations add provisions for trauma scene waste and biohazard waste. Although these represent new costs for compliance, the Department has been working for a number of years with entities that generate these wastes to obtain voluntary compliance with these standards.

Part 366 Local Solid Waste Management Planning:

A reduction in staff time and costs related to the development and reporting requirements to a local government is expected as a result of the changes in the regulations. Small businesses are not subject to the provisions of this Part.

Part 369 State Assistance Projects:

Small businesses are not subject to the provisions of Part 369. There will be no significant change in cost to a local government located in a rural area.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The rulemaking has been in development for many years and has been subject to significant public review and comment. The Department has focused on revising the regulations in a manner that is technically sound and economical. The proposed regulations that apply to facilities that are currently subject to regulation and the proposed changes are not expected to significantly alter the operation or costs associated with those operations. However, changes in law and technology required the addition of new facility requirements in the regulations, such as vehicle dismantling facilities and facility types that are not currently addressed in the regulations. Addition of these facility requirements should not result in increased costs to these facilities. In some cases, the proposed regulations include reduced regulatory oversight, through expanded exemptions and registration provisions, which will reduce the costs associated with some solid waste facilities and activities.

6. MINIMIZING ADVERSE IMPACTS:

The proposed rulemaking is not expected to have adverse impacts on local governments or small businesses in New York State. The updated regulatory criteria for solid waste facilities, such as landfills, are not expected to significantly change the cost of the operation of that facility. Therefore, the residents and businesses will not see an increase in the cost of solid waste management due to the rulemaking.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

The proposed rulemaking has been in development for many years. During that time period, the Department has published draft regulations, accepted and evaluated public comments, given public presentations on draft criteria in numerous venues, and met with potentially affected parties. Those solid waste facilities and other affected parties have been solicited for input on the proposed revisions.

8. CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION:

Pursuant to SAPA 202-b(1-a)(a) and (b), the proposed rulemaking includes transition provisions that provide adequate time for regulated parties to come into compliance with any new provisions. Otherwise there is no such cure period included in the rule because of the potential for adverse impacts on human health and the environment. Cure periods for the illegal management or disposal of solid waste are neither desirable nor recommended as compliance is required to ensure the general welfare of the public and the environment is protected.

9. INITIAL REVIEW OF RULE:

The Department will conduct an initial review of the rule within three years as required by SAPA § 207.

Rural Area Flexibility Analysis

The proposed rulemaking will modify the Department of Environmental Conservation's (Department) existing regulations governing solid waste

management activities including facilities, waste transporters, local solid waste management planning, and state assistance projects. Since the last revision in 1993, there have been technological, legal, and policy changes that need to be reflected in the regulations. Solid waste management covers a variety of activities, including regulated medical waste and biohazard waste treatment, in addition to landfills and other facilities that are commonly associated with waste management. The Department does not expect the revisions to have a negative economic impact on rural areas.

1. TYPES AND NUMBERS OF RURAL AREAS AFFECTED

The proposed revisions apply statewide, including rural areas of the state. All areas of the state, including rural areas, generate solid waste and will be affected directly or indirectly by the proposed rulemaking.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS

The proposed rulemaking does not impose additional paperwork requirements for the majority of facilities affected by this rulemaking, including facilities located in rural areas. The current regulations require annual reports from most solid waste management facilities, and these requirements continue under the proposed regulations. However, the proposed regulations include criteria to reduce the burden of paperwork by reducing the quantity of information that must be submitted with permit applications and annual reports. Also, the proposed regulations allow electronic submissions whenever possible to ease the transfer of data and information. The Department intends to develop new forms to simplify and standardize electronic reporting to ease the paperwork requirements imposed by the proposed regulations.

The proposed rulemaking will not directly impose any significant service, duty or responsibility upon any county, city, town, village, school district or fire district in a rural area. This proposal does not directly mandate the expenditure of funds by any sector of local government.

If a local government in a rural area chooses to own and operate a solid waste management facility in the State, the proposed rulemaking may require the additional expenditure of funds to comply with the requirements of Parts 360, 361, 362, 363, and 364, which govern those solid waste facilities.

3. COSTS

This proposal will not impose any direct costs on rural areas. However, rural area governments may own and operate solid waste management facilities such as transfer facilities and landfills. If a local government owns a solid waste management facility, the costs associated with compliance with the revised rulemaking are addressed below, organized by Part:

Part 360 General Requirements:

Clarification of criteria for beneficial use determinations will help local governments determine if their waste could be used in a beneficial manner, which could lead to cost savings.

Specifying criteria for the use of navigational dredged materials will facilitate the use of appropriate materials and reduce the significant cost associated with disposal.

Part 361 Material Recovery Facilities:

An exemption for small-scale food scrap composting is included that will promote additional recycling and reduce the cost of management. An increase in the size threshold of a facility requiring registration related to food scraps will have a similar positive effect.

New standards for the management of wood debris and yard trimmings may result in increased cost to a municipality or private firm due to the need for additional land for the quantity of material managed since pile size restrictions are included in the criteria. However, these criteria are not expected to affect most municipalities that have piles of mulch because they do not handle a significant amount of material.

The registration criteria for used cooking oil and yellow grease will result in decreased costs for a small facility owner since they will not incur the cost of obtaining a permit.

Part 362 Combustion, Thermal Treatment, Transfer and Collection Facilities:

Permitted transfer facilities from which waste is transported out of state and municipal solid waste processing facilities must install and operate a fixed radiation detection unit at a location appropriate for the monitoring of all incoming waste. The cost of purchasing this equipment ranges from \$5,000-\$7,000 per unit. The cost of maintenance, including calibration is expected to be \$2,000-\$3,000 annually.

The registration for the combustion of limited amounts of waste tires, unadulterated wood, used cooking oil and yellow grease under prescribed conditions will result in decreased costs for a small facility owner since they will not incur the cost of obtaining a permit.

Part 363 Landfills:

Elimination of the requirement to submit of a site selection report for new landfill construction will result in cost savings of tens of thousands of dollars to landfill owners in preparation of this report.

The requirement for adding electrical resistivity testing on the upper and lower liner system as part of a Construction Quality Assurance (CQA)

Plan will add cost to the construction of new landfill cells. Costs associated with the requirement are expected to be \$2,000-\$3,000 per acre of geomembrane tested. Based on the known improvement gained in construction quality and liner system performance, it makes sense to perform these evaluations routinely. The cost of performing the electrical resistivity testing on both upper and lower landfill liners will be borne by the landfill owner as part of the cost of constructing a landfill, but is a small fraction of the overall cost of constructing the entire landfill. Liner integrity testing will help pinpoint defects before construction continues. This will reduce defects overall and will reduce the cost of defect repairs. Furthermore, over 50% of the recent landfill construction projects statewide have been utilizing leak detection and location technology in constructing the upper liner system with good results.

The regulations require all landfills that receive municipal solid waste to install and operate a fixed radiation detection unit at a location appropriate for the monitoring of all incoming waste. The cost of purchasing this equipment ranges from \$5,000-\$7,000 per unit. The cost of maintenance, including calibration is expected to be \$2,000-\$3,000 annually. Installation of radiation detectors at these facilities is the only means to ensure that radioactive waste will not be disposed of at landfills in the state.

The requirement for active collection and destruction of landfill gas for all new MSW landfills and for subsequent development at existing MSW landfills will likely result in increased cost to two small existing municipal landfills in the state which currently do not conduct active collection and destruction of landfill gas if they were to choose to expand. The actual cost of installing, operating, and maintaining a gas collection system varies depending on the size of a landfill. The average capital cost of landfill gas collection systems at municipal solid waste landfills in New York State, including wells, wellheads, pipe collection system, blower, knockout, and flare has been approximately \$43,650 per acre. This is greater than the USEPA estimate of \$27,667 per acre. Because the landfill gas management state assistance program, which is available to municipally-owned landfills, is a reimbursement system, the entire capital costs must be initially borne by the municipal landfill owner, with 50 percent (up to \$2,000,000) eventually reimbursed to the municipality by the State. Annual operating costs can be up to \$75,000. These costs do not include any additional expenses that would be required in order to purchase the equipment necessary to generate electricity and hook up to the electrical grid, nor do they take into account any revenues that may be realized by generating electricity.

Part 364 Waste Transporters:

There may be an increased cost for transporters that will be required to register and comply with recordkeeping and reporting requirements. There are no fees associated with registration, only minor costs associated with the completion of tracking forms and the completion and submission of an annual report similar to those now prepared by registered facilities.

There will be a decrease in the cost of compliance for small transporters of regulated solid waste. The amount of material that can be transported without a permit is increased from 500 to 2000 pounds. Those transporters that range between 500 and 2000 pounds will save the cost of permitting under the waste transporter program.

Part 365 Biohazard Waste Management Facilities:

Most generators choosing to treat RMW or other biohazard waste on-site will incur no additional costs since many, especially those based in healthcare, academic or research institutions already have autoclaves in place for processing their waste. Facilities that choose to treat waste on-site (that currently do not) may incur an initial cost increase to purchase treatment devices, but over the long term, will experience considerable cost savings over transportation and off-site processing costs.

The regulations add provisions for trauma scene waste and biohazard waste. Although these represent new costs for compliance, the Department has been working for a number of years with entities that generate these wastes to obtain voluntary compliance with these standards.

Part 366 Local Solid Waste Management Planning:

A reduction in staff time and costs related to the development and reporting requirements to a local government is expected as a result of the changes in the regulations.

Part 369 State Assistance Projects:

The majority of the action is derived from the present regulatory program as presented in existing Parts 360, 364 and 369 as well as various Department policies and actions which set forth Department interpretation of its authority and responsibility under the ECL to regulate solid waste management facilities in an environmentally protective manner. In most cases, therefore, the ultimate costs associated with complying with the existing regulatory program will be similar to those for the program established under the action.

4. MINIMIZING ADVERSE IMPACTS

The proposed rulemaking is not expected to have adverse impacts on rural areas of New York State. The updated regulatory criteria for solid waste facilities, such as landfills, that may be located in a rural area, are

not expected to significantly change the cost of the operation of that facility. Therefore, the rural area residents will not see an increase in the cost of solid waste management due to the rulemaking.

5. RURAL AREA PARTICIPATION

The proposed rulemaking has been in development for many years. During that time period, the Department has published draft regulations, accepted and evaluated public comments, given public presentations on draft criteria in numerous venues, and met with potentially affected parties. Those solid waste facilities and other affected parties in rural areas have been solicited for input on the proposed revisions.

6. INITIAL REVIEW OF RULE

The Department will conduct an initial review of the rule within three years as required by SAPA § 207.

Job Impact Statement

The New York State Department of Environmental Conservation (Department) proposes to revise 6 NYCRR Parts 360-366 and 369. The regulations will apply statewide. The Department does not expect the proposed regulations to have a negative impact on jobs and employment opportunities in the state.

The proposed rules will update the existing regulations that relate to solid waste management facilities, waste transportation, local solid waste management planning, and state assistance in relation to solid waste management. Many new or expanded solid waste management facilities, particularly recycling facilities and landfills, have been constructed since the last comprehensive revision in 1993, providing the Department with experience in applying those regulations. This experience has demonstrated that many areas of the regulations would benefit from revision, clarification, or modification to allow new, technically appropriate alternatives to the design and operation criteria for solid waste management facilities found in the existing regulations, and to streamline the regulatory process.

1. NATURE OF IMPACT

As mentioned above, the Department does not expect the proposed regulations to have a negative impact on jobs and employment. The proposed regulatory revisions amend regulations that have been in place for more than 20 years. For the majority of the criteria in the proposed rule, there will be little or no impact on economic activity.

2. CATEGORIES AND NUMBERS OF JOBS OR EMPLOYMENT OPPORTUNITIES AFFECTED

The proposed regulations themselves will not negatively affect employment opportunities. Although it is difficult to predict the number of facilities and jobs that will be gained as a result of the rulemaking, a few hundred new jobs statewide are likely.

3. REGIONS OF ADVERSE IMPACT

There are no regions of the State expected to be negatively impacted from the proposed rules. Revisions to the solid waste management regulations are intended to modernize the regulations, to reflect current industry practices and address new facility types that have begun operating since the last comprehensive revision in 1993. The revisions include reduced regulatory burden on some food scrap composting facilities.

4. MINIMIZING ADVERSE IMPACT

The proposed rules are not expected to have an adverse impact on jobs and employment. The Department already regulates the solid waste management activities covered by the proposed rules. For most facilities and activities, the proposed revisions will have no impact on jobs and employment.

5. SELF-EMPLOYMENT OPPORTUNITIES

The proposed rules are not expected to impact self-employment opportunities.

6. INITIAL REVIEW OF RULE

The Department will conduct an initial review of the rule within three years as required by SAPA § 207.

Action taken: Amendment of sections 5005.1(b), (c), 5005.2(b), 5005.3(b), 5005.4, 5005.5, 5005.6, 5005.7 and 5005.8 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, section 104; Tax Law, section 1617

Subject: Lottery subscription program.

Purpose: To better serve customers needs and preferences.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. SGC-52-15-00005-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Manner in Which Prize Payments Are Made

I.D. No. SGC-52-15-00006-A

Filing No. 260

Filing Date: 2016-03-01

Effective Date: 2016-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 5002.5 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, section 104; Tax Law, sections 1601, 1604, 1612 and 1617

Subject: Manner in which prize payments are made.

Purpose: To better reflect customer and retailer preferences and the administrative needs of the Commission.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. SGC-52-15-00006-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Prohibiting the Administration of Stanazolol to Racehorses

I.D. No. SGC-52-15-00007-A

Filing No. 263

Filing Date: 2016-03-01

Effective Date: 2016-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 4043.15 and 4020.12 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19), 301(1), (2) and 902(1)

New York State Gaming Commission

NOTICE OF ADOPTION

Lottery Subscription Program

I.D. No. SGC-52-15-00005-A

Filing No. 261

Filing Date: 2016-03-01

Effective Date: 2016-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Subject: Prohibiting the administration of stanozolol to racehorses.

Purpose: To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. SGC-52-15-00007-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

One public comment was received in response to the publication of the proposed rule-making in the December 30, 2015 State Register. A veterinarian wrote that stanozolol should be permitted subject to drug testing for appropriate use because stanozolol is a useful medicine when used appropriately. The Commission disagrees with this suggestion because current laboratory testing cannot readily distinguish between appropriate and other uses of this drug. In addition, the proposal will continue to permit the use of three endogenous anabolic steroids, which are efficacious and have a much shorter clearance time, for necessary therapy while a horse is restricted from racing.

NOTICE OF ADOPTION

Suspension and Revocation of a Lottery Agent's License

I.D. No. SGC-52-15-00008-A

Filing No. 262

Filing Date: 2016-03-01

Effective Date: 2016-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 5001.19 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19); Tax Law, sections 1601, 1604, 1612 and 1617

Subject: Suspension and revocation of a lottery agent's license.

Purpose: To revise the rules for the procedure and grounds for suspension and revocation of a lottery license for sales agents.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. SGC-52-15-00008-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

Assessment of Public Comment

The New York Association of Convenience Stores urged the Commission to add "actions by state and local governments" to the list of enumerated unforeseen circumstances that might be grounds for an affirmative defense by a sales agent. The Association explained that government action, such as allowing nearby gaming facilities, road construction and increased taxes on items offered at convenience stores might drive patronage down in ways in which a store owner might not be able to mitigate. The Association also urged removing the requirement for a sales agent to take reasonable steps to mitigate.

The Commission believes that the proposed language, which includes "other events or circumstances" among the enumerated factors beyond the sales agent's control provides sufficiently broad language to cover exceptional circumstances and allow a sales agent challenging a suspension or revocation on such grounds the ability to state the sales agent's

case. The Commission believes that it would be inappropriate to eliminate the duty to mitigate. The scope of a duty to mitigate will vary with the fact-specific circumstances, but eliminating a mitigation requirement would allow a sales agent to be not diligent in using best sales efforts in the wake of an unforeseen circumstance (such as a severe weather event), contrary to the policy goals of maintaining a robust sales culture.

NOTICE OF ADOPTION

Plan of Operation for the Jockey Injury Compensation Fund

I.D. No. SGC-01-16-00006-A

Filing No. 264

Filing Date: 2016-03-01

Effective Date: 2016-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 4046 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19) and 221(8)(b)

Subject: Plan of operation for the Jockey Injury Compensation Fund.

Purpose: To effectuate the provisions of the Jockey Injury Compensation Fund in the absence of a plan of operation for 2016.

Text or summary was published in the January 6, 2016 issue of the Register, I.D. No. SGC-01-16-00006-EP.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Commission received a letter from Assemblymember Carrie Woerner (113th Assembly District, Saratoga and Washington Counties) on December 22, 2015. Assemblymember Woerner expressed concern that the emergency rule would raise stall fees charged to owners and trainers at each of the thoroughbred tracks in New York. She urged the Commission to review and adopt the plan submitted by the Jockey Injury Compensation Fund (JICF), which would "keep the workers' compensation rates at the 2015 level."

At the time the emergency rule was submitted, the JICF had not submitted its 2016 plan. Shortly after the emergency rule was submitted and the JICF submitted its 2016 plan, Assemblymember Woerner spoke with Commission staff and her questions and concerns were resolved.

Department of Health

NOTICE OF ADOPTION

Standards for Individual Onsite Water Supply and Individual Onsite Wastewater Treatment Systems

I.D. No. HLT-11-15-00019-A

Filing No. 257

Filing Date: 2016-03-01

Effective Date: 2016-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 75 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 201(1)(l)

Subject: Standards for Individual Onsite Water Supply and Individual Onsite Wastewater Treatment Systems.

Purpose: Establishes minimum water quality standards for individual onsite water supply systems.

Text or summary was published in the March 18, 2015 issue of the Register, I.D. No. HLT-11-15-00019-P.

Final rule as compared with last published rule: No changes.
Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov
Assessment of Public Comment
 The agency received no public comment.

NOTICE OF ADOPTION

General Provisions Concerning State Aid Eligibility

I.D. No. HLT-51-15-00001-A
Filing No. 259
Filing Date: 2016-03-01
Effective Date: 2016-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 40-2.1 of Title 10 NYCRR.
Statutory authority: Public Health Law, section 619
Subject: General Provisions Concerning State Aid Eligibility.
Purpose: To clarify that rent and maintenance of space in lieu of rent (MILOR) remain eligible for State Aid.
Text or summary was published in the December 23, 2015 issue of the Register, I.D. No. HLT-51-15-00001-C.
Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

Assessment of Public Comment
 During the public comment period ending February 8, 2016, the Department received comments from the New York State Association of County Health Officials (NYSACHO) and the S2AY Rural Health Network, Inc., which includes the following eight local health departments: Chemung, Livingston, Ontario, Schuyler, Seneca, Steuben, Wayne and Yates.

Both comments were in support of the proposed changes. Consequently, no changes were made to the proposed regulation.

Niagara Falls Water Board

NOTICE OF ADOPTION

Adoption of Rates, Fees and Charges

I.D. No. NFW-01-16-00001-A
Filing No. 220
Filing Date: 2016-02-24
Effective Date: 2016-02-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 1950.20 of Title 21 NYCRR.
Statutory authority: Public Authorities Law, section 1230-j
Subject: Adoption of rates, fees and charges.
Purpose: To pay for the increase costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders.
Text or summary was published in the January 6, 2016 issue of the Register, I.D. No. NFW-01-16-00001-EP.
Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: John J. Ottaviano, Niagara Falls Water Board, c/o 172 East Avenue, Lockport, New York 14094, (716) 438-0488, email: ottaviano@ruppbaase.com

Revised Regulatory Impact Statement
 A revised regulatory impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Regulatory Flexibility Analysis
 A revised regulatory flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Rural Area Flexibility Analysis
 A revised rural area flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Job Impact Statement
 A revised job impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Assessment of Public Comment
 An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

**Office for People with
 Developmental Disabilities**

**EMERGENCY/PROPOSED
 RULE MAKING
 NO HEARING(S) SCHEDULED**

Conforming Changes Related to Chapter 106 of the Laws of 2015

I.D. No. PDD-11-16-00005-EP
Filing No. 256
Filing Date: 2016-03-01
Effective Date: 2016-03-01

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of section 633.21 of Title 14 NYCRR.
Statutory authority: Mental Hygiene Law, sections 13.09(b) and 13.38
Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The emergency adoption of amendments that provide due process protections for individuals receiving care pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law is necessary to protect the health, safety, and welfare of individuals receiving services in the OPWDD system.

The emergency amendments conform OPWDD regulations in 14 NYCRR Section 633.21 to the statutory changes set forth by Chapter 106 of the Laws of 2015 that provide due process protections to individuals receiving care through emergency funding pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law. The regulations must be filed on an emergency basis as individuals have been requesting hearings concerning their objections to proposed residential placements since the time the Law was signed in August, 2015. Without these regulatory amendments, these individuals are unable to exercise their due process rights with respect to the proposed placements. Further, many proposed residential placements are pending due to the need to implement the required due process protections; delay in implementing this statutory requirement would further delay these residential placements by preventing OPWDD from making such placements for the benefit of individuals receiving services, which in turn could jeopardize the health, safety, and welfare of these individuals.

Subject: Conforming Changes Related to chapter 106 of the Laws of 2015.
Purpose: To make changes to regulations to conform to recent statutory changes set forth in chapter 106 of the Laws of 2015.

Text of emergency/proposed rule: Section 633.21 is amended as follows:
 633.21 Administrative process applicable to persons who are subject to placement [out of transitional care] under *Mental Hygiene Law section 13.38*

- (a) Principles of compliance.
- (1) The provisions of this section and any administrative process associated with its implementation, shall be in conformance with article 13, section 13.38 of the Mental Hygiene Law.
- (2) Upon making a determination that a person who is receiving care

pursuant to section 13.37-a or subdivision (g) of section 13.38 of the mental hygiene law can be cared for appropriately in an available adult care facility or by a service that is licensed, certified or approved by OPWDD, and whose removal from a child care facility or residential school is not required on an expedited basis, OPWDD shall notify in writing the person [Each person (see subparagraph [6][iii] of this subdivision) receiving transitional care (see subparagraph [6][iv] of this subdivision)] and the person's guardian (if one has been appointed), or another individual who has been actively involved in the care of the person and who can represent the person's interest, [shall be notified in writing by certified mail, return receipt requested,] of [OMRDD's] OPWDD's determination that the person [who is currently receiving transitional care] can be appropriately cared for at an available placement providing residential care or by receiving another appropriate service(s) certified and/or funded by [OMRDD] OPWDD (see subparagraph [6][i] of this subdivision regarding appropriate placement or plan of services). Such notification also shall provide a description of the proposed new placement or services.

(3)

(i) [Said] The written notification required pursuant to paragraph (2) of this subdivision[,] shall be served at least 30 days prior to the date on which the proposed placement will be available; service by ordinary mail will be deemed effective on the fifth day after mailing. Such notification shall include information about [reference] the availability of [an objection(s) and] an administrative appeal to review the determination if any of the notified parties do not agree with the determination, and of the need to request such appeal in writing within 30 days of [the receipt] service of the notice.

(ii) Any of the notified parties may request an administrative appeal by sending a written request to the Commissioner and stating the reasons for the objection. If the request is made within the time period required, a hearing will be scheduled with no less than 10 days' notice to the objecting party. The hearing shall be before a hearing officer designated by the Commissioner.

(4) If [a person, guardian, or other actively involved individual does not] none of the notified parties request a hearing within the timeframe required, or if any requested hearing results in a determination that the proposed residential placement or other service(s) is appropriate to the needs of the person, and is available (see subparagraph [6][ii] of this subdivision), or will be available on a [certain] date certain, [OMRDD shall notify the local Department of Social Services that funding for transitional care for the person is to be discontinued] OPWDD shall discontinue care funding for the person as of a date certain.

(5) [Should an objection and request for appeal be made and a hearing be necessary, it shall be held before a designated Regional Review Panel authorized by the Commissioner of OMRDD, which shall determine whether the proposed placement or plan of services is appropriate and available.

(i) The panel shall consist of three members who are professionals with experience in the field of developmental disabilities services.

(ii) At least one member of each panel shall be a licensed psychologist, certified social worker or licensed health professional.

(iii) The commissioner shall ensure that no member of the panel participates in the review of any proposed placement in which he/she has been previously involved, either by having screened, evaluated or participated in the determination regarding the proposed placement.

(a) Panel members shall not be employed by the agency which will provide the proposed residential placement or any aspect of a recommended plan of services, or be employed by the involved Developmental Disabilities Services Office (DDSO).

(b) The commissioner shall arrange for the appropriate substitution of any member of the panel with such potential conflicts of interest.]

The hearing officer shall conduct the hearing and review the parties' presentations and information to determine whether the placement or services identified by OPWDD is appropriate to the needs of the person and is available or will become available on a date certain. The hearing officer shall send a written report and recommendation to the commissioner, and the commissioner or his or her designee shall issue a written determination to the objecting party within thirty days after the close of the hearing record, on whether the proposed placement is appropriate to the needs of the person and is available or will become available on a date certain. The commissioner may, in his or her discretion, send the matter back to the hearing officer for further review. The commissioner's determination shall be the final administrative remedy available and may be appealed in accordance with the provisions of article 78 of the Civil Practice Law and Rules.

(6) Definitions relevant to this section.

(i) Appropriate placement or plan of services. The [OMRDD's] OPWDD's determination expressed in a written document, setting forth those adult services necessary to meet the essential needs of a person. Educational, [or] child care, or other services received by a person in his

or her current placement may be considered, but shall not be deemed to constitute the standard by which a proposed placement or plan of services is determined to be appropriate.

(ii) Available placement or plan of services. A placement or plan of services which can be provided to a person within 90 days of written notification by [OMRDD] OPWDD, shall be deemed "available." In cases where a placement or plan of services cannot be provided to a person within 90 days, the placement or plan of services shall be deemed available if the [Regional Review Panel] hearing officer determines that such place or plan of services can be provided on a certain date.

(iii) Person/persons. As used herein, a person with a [diagnosis of mental retardation or other] developmental disability, who is receiving [transitional care] OPWDD funding for care pursuant to section 13.37-a or subdivision (g) of section 13.38 of the mental hygiene law.

(iv) Transitional care. The care and maintenance of a person:

(a) who was placed in foster care by a social services district pursuant to article six of the Social Services Law and who has become 21 years of age, or who was placed in a residential educational placement by a school district pursuant to article 89 of the Education Law and who is no longer eligible for free educational services because this person has completed the school year in which he/she became 21;

(b) who is developmentally disabled and was in need of residential care prior to becoming age 21 or prior to becoming ineligible for free educational services, and who continues to be in need of a residential facility or other service(s); and

(c) who became 21 or became ineligible for free educational services prior to July 1, 1996; and

(d) for whom the OMRDD has approved a plan of services for continued care, but has not yet identified a currently available appropriate residential placement or other services; and

(e) whose residential needs can continue to be met where the person currently resides.]

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire May 29, 2016.

Text of rule and any required statements and analyses may be obtained from: Office of Counsel, Bureau of Policy and Regulatory Affairs, Office for People With Developmental Disabilities (OPWDD), 44 Holland Avenue, 3rd Floor, Albany, NY 12229, (518) 474-7700, email: RAU.Unit@opwdd.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment, and an E.I.S. is not needed.

Regulatory Impact Statement

1. Statutory authority:

a. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the New York State (NYS) Mental Hygiene Law Section 13.09(b).

b. OPWDD has the authority to help assure that all persons in transitional care receive assistance in locating appropriate and available placements within its system as stated in Mental Hygiene Law Section 13.38.

2. Legislative objectives: The emergency/proposed amendments further the legislative objective embodied in section 13.09(b) and 13.38 of the Mental Hygiene Law. The amendments make changes to regulations to conform to recent statutory changes set forth in Chapter 106 of the Laws of 2015.

3. Needs and benefits: Existing OPWDD regulations in section 14 NYCRR 633.21 identify an administrative process that provides due process for individuals receiving transitional care who are offered a residential placement in OPWDD's system and who object to such placement. The emergency/proposed amendments revise the regulations by adding due process protections for individuals receiving care through emergency funding pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law. The amendments are added to conform with recent statutory changes in Chapter 106 of the Laws of 2015 that provide due process protections to these individuals. Since this statutory change, individuals have been requesting hearings concerning their proposed residential placements. The amendments will allow OPWDD to administer the requested hearings.

The emergency/proposed amendments also make changes to the administrative process outlined in regulations. The amendments designate a hearing officer to conduct the hearing as opposed to the Regional Review Panel charged with this responsibility in the existing regulations. The hearing officer will conduct the hearing and send a written report and recommendation to the Commissioner of OPWDD. The amendments state that the Commissioner or designee will make a determination and notify

the objecting party within 30 days after the close of the hearing record. The amendments also allow for written notice of an individual's right to appeal his or her residential placement to be sent by ordinary mail as opposed to certified, return receipt. The amendments outline requirements for the content of the notice and the timeframes for sending the notice and scheduling the hearing, and specify the process for requesting appeals.

The amendments will make due process practices consistent with other due process practices in OPWDD's system with which individuals receiving services are familiar. Further, the changes will result in efficiencies for OPWDD and easier navigation by individuals and providers of the administrative process used to address objections to residential placements. The amendments also make other minor changes to conform language in the regulation to language used in the statute in order to promote compliance with statutory requirements.

4. Costs:

a. Costs to the Agency and to the State and its local governments. The emergency/proposed amendments will not require additional costs to the State in its role paying for Medicaid as the amendments merely make changes to an OPWDD administrative process that is not funded through Medicaid.

The amendments will not result in any costs to OPWDD as a provider of services because the amendments make changes to an administrative process that is used by OPWDD in its role as an oversight entity, not as a provider.

There will be no impact to local governments as a result of any of these amendments.

b. Costs to private regulated parties: There are no initial capital investment costs or initial non-capital expenses for either of these amendments.

There will be no costs to regulated parties for the same reason stated above being that the amendments only make changes to an OPWDD administrative process.

5. Local government mandates: There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. Paperwork: The emergency/proposed amendments will not result in additional paperwork requirements for regulated parties.

7. Duplication: The emergency/proposed amendments do not duplicate any existing requirements that are applicable to services for individuals with developmental disabilities.

8. Alternatives: OPWDD did not consider any alternatives to the emergency/proposed amendments as the amendments are needed to conform to recent statutory changes set forth in Chapter 106 of the Laws of 2015.

9. Federal standards: The emergency/proposed amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: The emergency rule is effective March 1, 2016. OPWDD has concurrently filed the rule as a Notice of Proposed Rule Making, and it intends to finalize the proposed amendments as soon as possible within the time frames mandated by the State Administrative Procedure Act. These amendments will not impose any new requirements with which regulated parties are expected to comply.

Regulatory Flexibility Analysis

A regulatory flexibility analysis for small businesses and local governments is not being submitted because these amendments will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses. There are no professional services, capital, or other compliance costs imposed on small businesses as a result of these amendments.

The proposed amendments provide due process protections for individuals receiving care through emergency funding pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law. The amendments are in conformance with recent statutory changes set forth by Chapter 106 of the Laws of 2015 that provide due process protections to these individuals. The amendments will not result in costs or new compliance requirements for regulated parties and, consequently, the amendments will not have any adverse effects on providers of small business and local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the amendments will not impose any adverse impact or significant reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the amendments.

The proposed amendments provide due process protections for individuals receiving care through emergency funding pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law. The amendments are in conformance with recent statutory changes set forth by Chapter 106 of the Laws of 2015 that provide due process protections to these individuals.

The amendments will not result in costs or new compliance requirements for regulated parties and, consequently, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

A Job Impact Statement for the proposed amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed amendments provide due process protections for individuals receiving care through emergency funding pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law. The amendments are in conformance with recent statutory changes set forth by Chapter 106 of the Laws of 2015 that provide due process protections to these individuals. The amendments will not result in costs, including staffing costs, or new compliance requirements for regulated parties and, consequently, the amendments will not have a substantial impact on jobs or employment opportunities for regulated parties.

Public Service Commission

NOTICE OF ADOPTION

Property Tax Refunds

I.D. No. PSC-10-15-00010-A

Filing Date: 2016-02-26

Effective Date: 2016-02-26

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order approving Verizon New York Inc.'s (Verizon) petition to retain the regulated intrastate portion of the property tax refunds received from the Town of Oyster Bay for the 2008-2010 and 2012 tax years.

Statutory authority: Public Service Law, section 113(2)

Subject: Property tax refunds.

Purpose: To approve Verizon's petition to retain property tax refunds received from the Town of Oyster Bay.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Verizon New York Inc.'s petition to retain \$2,012,317, the regulated intrastate portion of the property tax refunds, received from the Town of Oyster Bay for the 2008-2010 and 2012 tax years, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-C-0091SA1)

NOTICE OF ADOPTION

Minor Rate Filing

I.D. No. PSC-12-15-00008-A

Filing Date: 2016-02-24

Effective Date: 2016-02-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order determining revenue requirement and rate design for the Village of Arcade.

Statutory authority: Public Service Law, section 66(12)

Subject: Minor rate filing.

Purpose: To approve an increase in annual revenues effective 3/1/16.

Substance of final rule: The Commission, on February 23, 2016, adopted

an order approving an increase in annual revenues for the Village of Arcade of \$57,403 effective March 1, 2016, and directed the Village of Arcade to file a cancellation supplement and further tariff revisions establishing the approved rates, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0132SA1)

NOTICE OF ADOPTION

Property Tax Refunds

I.D. No. PSC-15-15-00007-A

Filing Date: 2016-02-26

Effective Date: 2016-02-26

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order approving Verizon New York Inc.'s (Verizon) petition to retain the regulated intrastate portion of the property tax refunds received from the Town of Hempstead for the 1992-2002 tax years.

Statutory authority: Public Service Law, section 113(2)

Subject: Property tax refunds.

Purpose: To approve Verizon's petition to retain property tax refunds received from the Town of Hempstead.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Verizon New York Inc.'s petition to retain \$5,120,869, the regulated intrastate portion of the property tax refunds, received from the Town of Hempstead for the 1992-2002 tax years, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-C-0095SA1)

NOTICE OF ADOPTION

Tariff Amendments to Rule 28 Contained in P.S.C No. 220—Electricity

I.D. No. PSC-17-15-00009-A

Filing Date: 2016-02-24

Effective Date: 2016-02-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff amendments to Rule 28—Special Services Performed by Company at a Charge contained in P.S.C. No. 220—Electricity.

Statutory authority: Public Service Law, section 66(12)

Subject: Tariff amendments to Rule 28 contained in P.S.C No. 220—Electricity.

Purpose: To approve NMPC's tariff amendments to Rule 28 contained in P.S.C No. 220—Electricity.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Niagara Mohawk Power Corporation d/b/a National

Grid's tariff amendments to Rule 28 – Special Services Performed by Company at a Charge contained in P.S.C. No. 220 – Electricity, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0210SA1)

NOTICE OF ADOPTION

Petition for Clarification of Commission's Order

I.D. No. PSC-20-15-00008-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order approving Town of Ramapo's (Ramapo) petition for clarification of the Commission's Order issued in Case 13-W-0246 on November 14, 2014.

Statutory authority: Public Service Law, sections 4, 5, 22, 89-a, 89-b, 89-c, 113 and 114

Subject: Petition for clarification of Commission's Order.

Purpose: To approve Ramapo's petition for clarification of Commission's Order.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Town of Ramapo's petition for clarification of the Commission's Order Denying Surcharge and Making Determinations Regarding the Treatment of Certain Long-Term Water Supply Development Costs, issued in Case 13-W-0246 on November 14, 2014, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-W-0246SA4)

NOTICE OF ADOPTION

Repowering of the Cayuga Generating Facility

I.D. No. PSC-27-15-00011-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order making findings on the repowering of the Cayuga Generating Facility.

Statutory authority: Public Service Law, sections 4(1), 5(1)(b), (2), 65(1), 66(1), (2), (4), (5), (9) and (12)

Subject: Repowering of the Cayuga Generating Facility.

Purpose: To make findings on the repowering of the Cayuga Generating Facility.

Substance of final rule: The Commission, on February 23, 2016, adopted an order making findings on the repowering of the Cayuga Generating Facility where the proposals filed by Cayuga Operating Company LLC for refueling and repowering of the Cayuga Generating Facility is not in the public interest and should not be pursued further, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(12-E-0577SA5)

NOTICE OF ADOPTION

Property Tax Refunds

I.D. No. PSC-29-15-00017-A

Filing Date: 2016-02-26

Effective Date: 2016-02-26

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order approving Verizon New York Inc.'s (Verizon) petition to retain the regulated interstate portion of the property tax refunds received from the City of New York for the 2014-2015 tax years.

Statutory authority: Public Service Law, section 113(2)

Subject: Property tax refunds.

Purpose: To approve Verizon's petition to retain property tax refunds received from the City of New York.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Verizon New York Inc.'s petition to retain \$1,030,763, the regulated interstate portion of the property tax refunds, received from the City of New York for the 2014-2015 tax years, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-C-0383SA1)

NOTICE OF ADOPTION

Joint Proposal to Recover Costs of an ARSSA

I.D. No. PSC-33-15-00006-A

Filing Date: 2016-02-24

Effective Date: 2016-02-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted the terms of a joint proposal to allow Rochester Gas and Electric Corporation (RG&E) to recover costs associated with a two-year Amended and Restated Reliability Support Services Agreement (ARSSA).

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9) and (12)

Subject: Joint proposal to recover costs of an ARSSA.

Purpose: To approve RG&E's joint proposal to recover costs of an ARSSA.

Substance of final rule: The Commission, on February 23, 2016, adopted the terms of a joint proposal by Rochester Gas and Electric Corporation (RG&E), R.E. Ginna Nuclear Power Plant, LLC, the New York State Department of Public Service Staff, the New York State Department of State Utility Intervention Unit and Multiple Intervenors allowing RG&E to recover costs of an Amended and Restated Reliability Support Services Agreement (ARSSA), subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0270SA3)

NOTICE OF ADOPTION

Transfer of Ownership Interests in Cayuga and Somerset

I.D. No. PSC-42-15-00011-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order approving the transfer of ownership interests in Cayuga Operating Company, LLC (Cayuga) and Somerset Operating Company, LLC (Somerset).

Statutory authority: Public Service Law, sections 2(13), 5(1)(b) and 70

Subject: Transfer of ownership interests in Cayuga and Somerset.

Purpose: To approve the transfer of ownership interests in Cayuga and Somerset.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving a joint petition by Upstate New York Power Producers, Inc. (USNYPP), Cayuga Operating Company, LLC (Cayuga), Somerset Operating Company, LLC (Somerset) and Riesling Power, LLC (Riesling) to transfer all ownership interests in Cayuga and Somerset from USNYPP to Riesling and affirmed that the lightened regulatory regime previously adopted will continue to apply, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0580SA1)

NOTICE OF ADOPTION

Motion Regarding the IPEC Reliability Contingency Plan

I.D. No. PSC-44-15-00024-A

Filing Date: 2016-02-24

Effective Date: 2016-02-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order approving Consolidated Edison Company of New York Inc.'s (Con Ed) motion regarding the Indian Point Energy Center (IPEC) Reliability Contingency Plan.

Statutory authority: Public Service Law, sections 4(1), 5(1)(b), (2), 65(1), 66(1), (2), (4), (5), (9) and (12)

Subject: Motion regarding the IPEC Reliability Contingency Plan.

Purpose: To approve Con Ed's motion regarding the IPEC Reliability Contingency Plan.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Consolidated Edison Company of New York Inc.'s (Con Edison) motion pursuant to the Commission's Rules of Procedure, 16 NYCRR § 3.6, seeking to confirm that, under the Indian Point Energy Center (IPEC) Reliability Contingency Plan Order, Con Edison is not obligated to undertake the forced cooling phase of the Staten Island project in the event it does not renew transmission services with PJM Intercon-

nection, LLC (Motion). In this order, the Commission grants Con Edison's Motion and accordingly accepts a modified IPEC Reliability Contingency Plan, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(12-E-0503SA6)

NOTICE OF ADOPTION

Surcharge to Recover Repair Costs

I.D. No. PSC-44-15-00027-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order authorizing West Branch Acres, Inc. (West Branch) to recover \$17,711.22 through an Emergency Repair Surcharge from its customers.

Statutory authority: Public Service Law, sections 4(1), 89-b and 89-c

Subject: Surcharge to recover repair costs.

Purpose: To authorize West Branch to recover \$17,711.22 through a Emergency Repair Surcharge.

Substance of final rule: The Commission, on February 23, 2016, adopted an order authorizing West Branch Acres, Inc. to recover \$17,711.22 through an Emergency Repair Surcharge from its customers, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-W-0590SA1)

NOTICE OF ADOPTION

Petition to Transfer Street Lighting Facilities

I.D. No. PSC-44-15-00031-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/26/16, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) petition to transfer certain street lighting facilities to the Town of Greece.

Statutory authority: Public Service Law, section 70

Subject: Petition to transfer street lighting facilities.

Purpose: To approve RG&E's petition to transfer certain street lighting facilities to the Town of Greece.

Substance of final rule: The Commission, on February 25, 2016, adopted an order approving Rochester Gas and Electric Corporation's petition to transfer certain street lighting facilities to the Town of Greece, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social

security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-M-0568SA1)

NOTICE OF ADOPTION

Petition to Waive Monthly Billing for Net-Metered Customers

I.D. No. PSC-49-15-00006-A

Filing Date: 2016-02-26

Effective Date: 2016-02-26

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order approving Central Hudson Gas and Electric's (Central Hudson) petition to waive monthly billing for net-metered customers.

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), 66-j and 66-l

Subject: Petition to waive monthly billing for net-metered customers.

Purpose: To approve Central Hudson's petition to waive monthly billing for net-metered customers.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Central Hudson Gas and Electric Corporation's petition to waive monthly billing for net-metered customers, authorizing them to bill net-metered customers on a bi-monthly basis, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0318SA4)

NOTICE OF ADOPTION

Joint Petition for Purchase of All Assets

I.D. No. PSC-49-15-00007-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order approving New York American Water Company, Inc. (NYAW) and Association of Owners of Mill Neck Estates, Inc.'s (Mill Neck) joint petition allowing NYAW to purchase all assets of the Mill Neck water system.

Statutory authority: Public Service Law, section 89-h

Subject: Joint petition for purchase of all assets.

Purpose: To approve NYAW and Mill Neck's joint petition allowing NYAW to purchase all assets of Mill Neck's water system.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving New York American Water Company, Inc. (NYAW) and Association of Owners of Mill Neck Estates, Inc.'s (Mill Neck) joint petition allowing NYAW to purchase all assets of the Mill Neck water system, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-W-0639SA1)

NOTICE OF ADOPTION

Tariff Amendments to Rule 34 and Service Classification No. 12

I.D. No. PSC-49-15-00010-A

Filing Date: 2016-02-24

Effective Date: 2016-02-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff amendments to Rule 34—Economic Development Programs and SC No. 12—Special Contract Rates, P.S.C. No. 220—Electricity.

Statutory authority: Public Service Law, section 66(12)

Subject: Tariff amendments to Rule 34 and Service Classification No. 12.

Purpose: To approve NMPC's tariff amendments to Rule 34 and Service Classification No. 12.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's tariff amendments to Rule 34 – Economic Development Programs and Service Classification No. 12 – Special Contract Rates, contained in P.S.C. No. 220 – Electricity, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0684SA1)

NOTICE OF ADOPTION

Adoption of the IRM of 17.5% Established by the NYSRC

I.D. No. PSC-51-15-00009-A

Filing Date: 2016-02-26

Effective Date: 2016-02-26

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 2/23/16, the PSC adopted an Installed Reserve Margin (IRM) established by the New York State Reliability Council (NYSRC) of 17.5%, for the New York Control Area, for the upcoming Capability Year beginning May 1, 2016, and ending April 30, 2017.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65(1), 66(1), (2), (4) and (5)

Subject: Adoption of the IRM of 17.5% established by the NYSRC.

Purpose: To adopt the IRM of 17.5% established by the NYSRC.

Substance of final rule: The Commission, on February 23, 2016, adopted an Installed Reserve Margin established by the New York State Reliability Council of 17.5%, for the New York Control Area, for the upcoming Capability Year beginning May 1, 2016, and ending April 30, 2017, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(07-E-0088SA10)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Petition to Eliminate Quarterly Reporting on Electronic Deferred Payment Agreements

I.D. No. PSC-11-16-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering a petition filed by National Fuel Gas Distribution Corporation to eliminate the quarterly reporting requirement for the company's electronic deferred payment agreements program.

Statutory authority: Public Service Law, sections 37, 66, 80, 89-c and 111

Subject: Petition to eliminate quarterly reporting on electronic deferred payment agreements.

Purpose: To consider the request of National Fuel Gas to eliminate quarterly reporting on electronic deferred payment agreements.

Substance of proposed rule: The Public Service Commission is considering a petition filed on February 24, 2016 by National Fuel Gas Distribution Corporation regarding the elimination of the quarterly reporting requirement for electronic deferred payment agreements as adopted in Case 13-G-0016 in the Order Approving Electronic Deferred Payment Agreements on a Permanent Basis, effective April 18, 2013. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: John.Pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-G-0016SP3)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Proposed Zero-Emissions Credits Purchase Program Regarding Certain Nuclear Power Plants

I.D. No. PSC-11-16-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering an expedited program to purchase credits to maintain the zero-emissions benefits of certain nuclear power plants that can demonstrate a lack of viability absent additional financial support.

Statutory authority: Public Service Law, sections 5(2), 65(1), 66(1), (2), (3), (4), (5) and (6)

Subject: Proposed zero-emissions credits purchase program regarding certain nuclear power plants.

Purpose: To avoid adverse air emissions from fossil-fueled generation that would replace nuclear generation.

Substance of proposed rule: The Commission is considering an expedited program to purchase credits to maintain the zero-emissions benefits of certain nuclear power plants that can demonstrate a lack of viability absent additional financial support. Such support would provide some compensation to the facility for attributes not otherwise monetized in the electricity markets. Support would be provided on demand in the form of per MWh zero-emissions credit (ZEC) payments for actual production pursuant to short-term contracts. The Commission would establish review and contract requirements. The Commission would consider facility refueling cycles in determining the term of such contracts. The price of the ZEC payments

would be based on the minimum amount of support necessary above existing revenue streams to cover, among other things, the fuel and operational costs of the facility (“going forward costs”) as determined by the Commission after an examination of the books and records of the facility owner. The level of support would be no more than the level otherwise required to encourage new renewable facilities. NYSEDA would administer the contracts on behalf of the Commission. The source of funds for the support, and the costs of administration of the contracts, may come from any of the following sources, if available: (i) existing funds previously collected for other system benefits programs and made available by the Commission for that purpose; (ii) charges imposed by the Commission on retail electric customers for that purpose; and (iii) funds from other sources that become available to the Commission or to NYSEDA for that purpose. The Commission may adopt, modify, or reject, in whole or in part, the program proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0302SP2)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

I.D. No. PSC-11-16-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal by Central Hudson Gas and Electric Corporation to effectuate Public Service Law — New section 70-a (Transfer of Street Light Systems) contained in its electric tariff schedule, P.S.C. No. 15.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: To establish a process to facilitate the transfer of complete systems of street lighting equipment.

Purpose: To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment.

Substance of proposed rule: The Public Service Commission (Commission) is considering modifications proposed by Central Hudson Gas and Electric Corporation (CHG&E) pursuant to Commission Notice issued December 23, 2015, in Case 15-E-0745, et al. to effectuate Public Service Law — New § 70-a (Transfer of Street Light Systems). CHG&E proposes to establish a process for facilitating the transfer of complete systems of street lighting equipment to its electric tariff schedule, P.S.C. No. 15. The proposed amendments have an effective date of June 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0745SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

I.D. No. PSC-11-16-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal by New York State Electric & Gas Corporation to effectuate Public Service Law— New section 70-a (Transfer of Street Light Systems) contained in its electric tariff schedule, P.S.C. No. 121.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: To establish a process to facilitate the transfer of complete systems of street lighting equipment.

Purpose: To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment.

Substance of proposed rule: The Public Service Commission (Commission) is considering modifications proposed by New York State Electric & Gas Corporation (NYSEG) pursuant to Commission Notice issued December 23, 2015, in Case 15-E-0745, et al. to effectuate Public Service Law — New § 70-a (Transfer of Street Light Systems). NYSEG proposes to establish a process for facilitating the transfer of complete systems of street lighting equipment to its electric tariff schedule, P.S.C. No. 121. The proposed amendments have an effective date of June 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0746SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

I.D. No. PSC-11-16-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal by Niagara Mohawk Power Corporation d/b/a National Grid to effectuate Public Service Law — New section 70-a (Transfer of Street Light Systems) contained in its electric tariff schedule, P.S.C. No. 214.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: To establish a process to facilitate the transfer of complete systems of street lighting equipment.

Purpose: To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment.

Substance of proposed rule: The Public Service Commission (Commission) is considering modifications proposed by Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) pursuant to Commission Notice issued December 23, 2015, in Case 15-E-0745, et al. to effectuate Public Service Law — New § 70-a (Transfer of Street Light Systems). NMPC proposes to establish a process for facilitating the transfer of complete systems of street lighting equipment to its electric tariff schedule, P.S.C.

No. 214. The proposed amendments have an effective date of June 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0747SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Leakage Survey and Corrosion Inspection Requirements

I.D. No. PSC-11-16-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering the establishment of protocols and requirements for leakage surveys and corrosion inspections on inside gas services.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Leakage survey and corrosion inspection requirements.

Purpose: To establish protocols and timeframes for completing leakage surveys and corrosion inspections on gas service lines.

Substance of proposed rule: The Public Service Commission (PSC, Commission) is considering the establishment of protocols and requirements for leakage surveys and corrosion inspections on inside gas services. The PSC is also considering whether and to what extent it will allow local distribution companies (LDCs) longer time intervals than those found in 16 NYCRR Part 255 and 49 CFR Part 192 to complete the required leakage surveys and corrosion inspections on inside gas services. A Department of Public Service Staff (DPS Staff) Straw proposal details the following: existing leakage survey and corrosion inspection requirements, the actions to be taken by the Public Service Commission in its role managing the state's natural gas Distribution Integrity Management Program (DIMP), the joint LDC data collection and analysis of risks associated with leaks and corrosion on inside services, the possible use of combustible gas indicators (CGIs) for performing leakage surveys as well as for data analysis, the process by which LDCs will need to seek extensions of time to complete their baseline leakage surveys and corrosion inspections, the extent to which the operator qualification and use of meter readers to perform leakage surveys and corrosion inspections is possible, the extent to which operator qualification and use of licensed plumbers to perform leakage surveys and corrosion inspections is possible, the approval of alternative technology for use in meeting leakage survey requirements, the drug and alcohol testing of licensed plumbers who are operator qualified sufficiently to perform leakage surveys and corrosion inspections, and ways to increase or improve an LDC's access to premises to allow the LDCs to complete leakage surveys and corrosion inspections on inside gas services.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-G-0244SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

I.D. No. PSC-11-16-00014-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal by Rochester Gas and Electric Corporation to effectuate Public Service Law—New section 70-a (Transfer of Street Light Systems) contained in its electric tariff schedule, P.S.C. No. 18.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: To establish a process to facilitate the transfer of complete systems of street lighting equipment.

Purpose: To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment.

Substance of proposed rule: The Public Service Commission (Commission) is considering modifications proposed by Rochester Gas and Electric Corporation (RG&E) pursuant to Commission Notice issued December 23, 2015, in Case 15-E-0745, et al. to effectuate Public Service Law – New § 70-a (Transfer of Street Light Systems). RG&E proposes to establish a process for facilitating the transfer of complete systems of street lighting equipment to its electric tariff schedule, P.S.C. No. 18. The proposed amendments have an effective date of June 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0748SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

I.D. No. PSC-11-16-00015-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal by Orange and Rockland Utilities, Inc. to effectuate Public Service Law — New section 70-a (Transfer of Street Light Systems) contained in its electric tariff schedule, P.S.C. No. 3.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: To establish a process to facilitate the transfer of complete systems of street lighting equipment.

Purpose: To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment.

Substance of proposed rule: The Public Service Commission (Commission) is considering modifications proposed by Orange and Rockland Utilities, Inc. (O&R) pursuant to Commission Notice issued December 23, 2015, in Case 15-E-0745, et al. to effectuate Public Service Law – New § 70-a (Transfer of Street Light Systems). O&R proposes to establish a process for facilitating the transfer of complete systems of street lighting equipment to its electric tariff schedule, P.S.C. No. 3. The proposed

amendments have an effective date of June 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0749SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Notice of Intent to Submeter Electricity

I.D. No. PSC-11-16-00016-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering the Notice of Intent, filed by 504 Myrtle Residential Owner LLC, to submeter electricity at 504 Myrtle Avenue, Brooklyn, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent of 504 Myrtle Residential Owner LLC to submeter electricity at 504 Myrtle Avenue, Brooklyn, NY.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by 504 Myrtle Residential Owner LLC on February 10, 2016, to submeter electricity at 504 Myrtle Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0073SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Notice of Intent to Submeter Electricity

I.D. No. PSC-11-16-00017-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering the Notice of Intent, filed by 140 West Street Condominium, to submeter electricity at 100 Barclay Street, New York, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by 140 West Street Condominium on February 11, 2016, to submeter electricity at 100 Barclay Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0077SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Rolling Meadows Water Corporation's Rates for the Provision of Water

I.D. No. PSC-11-16-00018-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by Rolling Meadows Water Corporation to increase its rates by approximately \$169,841 or 34.05% to become effective June 1, 2016.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (3), (10)(a), (b) and (f)

Subject: Rolling Meadows Water Corporation's rates for the provision of water.

Purpose: To consider an increase in Rolling Meadows Water Corporation's annual water revenues by approximately \$169,841 or 34.05%.

Substance of proposed rule: The Commission is considering a proposal filed by Rolling Meadows Water Corporation (Rolling Meadows or the Company) to increase its total annual revenues by approximately \$169,841 or 34.05% with an effective date of June 1, 2016. Rolling Meadows provides metered water service to 1,060 customers in the Towns of Hurley, Ulster and Marletown, Ulster County. Fire protection is not provided. The Company states the rate increase is necessary due to increases in operating expenses, higher taxes, and labor costs. The Company states these expenses have increased significantly since the current rates went into effect on May 1, 2013. The Company is also requesting approval to eliminate its Escrow Account for Capital Improvements. According to the Company, elimination of this account would make it necessary to increase the allowance for Repairs and Maintenance to reflect the average level of repairs incurred in the past. In addition, the Company is requesting a revenue reconciliation and tax reconciliation to alleviate unexpected drops in revenue and increases in taxes. The Commission may adopt, reject or modify, in whole or in part, the relief sought by the Company and may also resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0121SP1)

Assessment of Public Comment

The agency received no public comment.

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Lease of Real Property

I.D. No. PSC-11-16-00019-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering the petition by New York State Electric & Gas Corporation (NYSEG) for authority to lease space within a portion of a NYSEG facility located at 12 Dardess Drive, Chatham, NY to Columbia Memorial Hospital.

Statutory authority: Public Service Law, section 70

Subject: Lease of real property.

Purpose: To consider whether to grant authority to NYSEG to lease a portion of certain real property to Columbia Memorial Hospital.

Substance of proposed rule: The Public Service Commission (Commission) is considering whether to grant, deny or modify, in whole or in part the petition by New York State Electric & Gas Corporation (NYSEG), for authority to lease space within a portion of NYSEG's facility located at 12 Dardess Drive, Chatham New York. The lessee is Columbia Memorial Hospital, who will use the space for the purpose of primary care medical services. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-M-0018SP1)

State University of New York

NOTICE OF ADOPTION

Addition of New Street Name and Traffic Pattern Changes at the Medical Center of Stony Brook University

I.D. No. SUN-45-15-00001-A

Filing No. 258

Filing Date: 2016-03-01

Effective Date: 2016-03-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 584 of Title 8 NYCRR.

Statutory authority: Education Law, section 360(1)

Subject: Addition of new street name and traffic pattern changes at the medical center of Stony Brook University.

Purpose: To create the addition of a new street under construction at the medical center and to clearly define new traffic patterns.

Text or summary was published in the November 10, 2015 issue of the Register, I.D. No. SUN-45-15-00001-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Eileen Kerrigan Ippolito, SUNY Stony Brook, Office of General Counsel, 328 Administration Building, Stony Brook, NY 11794, (631) 632-6110, email: Eileen.Ippolito@stonybrook.edu

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-11-16-00004-P	Solid waste management regulations	Suffolk County Water Authority Education Center, 260 Motor Pkwy., Hauppauge, NY—June 2, 2016, 1:00 p.m. Department of Environmental Conservation, 625 Broadway, Rm. 129A, Albany, NY—June 6, 2016, 1:00 p.m. RIT Inn and Conference Center, Henrietta Ballroom, 5257 Henrietta Rd., Rochester, NY—June 7, 2016, 1:00 p.m.
Lake George Park Commission		
LGP-06-16-00006-P	Mandatory inspection of trailered vessels for aquatic invasive species prior to launching into the waters of Lake George Park	Bolton Town Hall, Bolton Landing, NY—March 30, 2016, 4:00 p.m.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals listed

in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
-----------------	---------	----------------	-------------------

ADIRONDACK PARK AGENCY

APA-09-16-00005-P 03/02/17	Access to Agency Records	To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government
-------------------	----------------	--------------------------	--

AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-28-15-00003-P	..... 07/14/16	Incorporate by reference in 1 NYCRR of the 2015 edition of National Institute of Standards and Technology ("NIST") Handbook 133	To incorporate by reference in 1 NYCRR the 2015 edition of NIST Handbook 133
AAM-32-15-00001-P	..... 08/11/16	Petroleum products and delivery devices; exemption of maple syrup and honey producers from food processing	To repeal requirements relating to petroleum devices and products, and to maple syrup and honey producers

CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-49-15-00005-P	..... 12/08/16	Youth development program funding and implementation	To implement changes in the Executive Law regarding youth development program funding and implementation
CFS-07-16-00012-P	..... 02/16/17	Eligibility of successor guardians for kinship guardianship assistance payments	To enact standards for the appointment and approval of a successor guardian upon the death or incapacity of a relative guardian
CFS-07-16-00014-P	..... 02/16/17	Casework contacts for foster children	To implement federal standards which require monthly face-to-face, in person casework contact with foster children

CIVIL SERVICE, DEPARTMENT OF

*CVS-11-15-00004-P	..... 03/17/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-15-00005-P	..... 05/12/16	Jurisdictional Classification	To classify a position in the non-competitive class

Action Pending Index**NYS Register/March 16, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-29-15-00008-P	07/21/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-15-00010-P	07/21/16	Jurisdictional Classification	To delete positions from the exempt class
CVS-34-15-00006-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-34-15-00007-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class and to classify a position in the non-competitive class
CVS-34-15-00008-P	08/25/16	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-34-15-00009-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-34-15-00010-P	08/25/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-34-15-00011-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-34-15-00012-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-34-15-00013-P	08/25/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-36-15-00001-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00002-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00003-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00004-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00005-P	09/08/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-36-15-00006-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00007-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00008-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00009-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00010-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00011-P	09/08/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-36-15-00012-P	09/08/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-36-15-00013-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-36-15-00014-P	09/08/16	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-36-15-00015-P	09/08/16	Jurisdictional Classification	To delete positions/subheadings from and classify positions in the exempt class and delete positions from non-competitive class
CVS-36-15-00016-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-36-15-00017-P	09/08/16	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-36-15-00018-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-44-15-00004-P	11/03/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-15-00005-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00006-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00007-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00008-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00009-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00010-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00011-P	11/03/16	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-44-15-00012-P	11/03/16	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-44-15-00013-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00014-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00015-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00016-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00017-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00018-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class and to classify a position from the non-competitive class

Action Pending Index**NYS Register/March 16, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-45-15-00003-P	11/09/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-45-15-00004-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00005-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00006-P	11/09/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-15-00007-P	11/09/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-15-00002-P	12/22/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-51-15-00003-P	12/22/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00003-P	01/12/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00004-P	01/12/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-02-16-00005-P	01/12/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-02-16-00006-P	01/12/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-07-16-00005-P	02/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-07-16-00006-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00007-P	02/16/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-16-00008-P	02/16/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-16-00009-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00010-P	02/16/17	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-11-16-00001-P	03/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-11-16-00002-P	03/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-16-00003-P	03/16/17	Jurisdictional Classification	To classify positions in the non-competitive class

CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF

CCS-35-15-00018-P	09/01/16	Applicability of Title and Definitions	Update the Department name and add new definitions
-------------------	----------	--	--

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-52-15-00001-EP	12/29/16	Standards of Inmate Behavior; Institutional Rules of Conduct; Rule Series 113 Contraband	Provide clarification regarding the definition of a controlled substance for the purposes of this rule
CCS-52-15-00002-EP	12/29/16	Contraband Drugs	This proposal introduces a second testing system that may be utilized when testing for suspected contraband drugs
CCS-52-15-00003-P	12/29/16	Washington Correctional Facility	Amend the age for general confinement to 18 years and older
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-52-15-00018-P	12/29/16	Basic Course for Correction Officers	Set forth minimum standards/clear and specific requirements of a basic course for correction officers
CJS-03-16-00002-P	01/19/17	Victims of Human Trafficking	To conform to the "Trafficking Victims Protection and Justice Act," as added by Chapter 368 of the Laws of 2015
CJS-09-16-00002-P	03/02/17	Central Registry of Police Officers and Peace Officers	To consolidate the police officer and peace officer registries; and to clarify the reporting requirements
EDUCATION DEPARTMENT			
*EDU-10-15-00011-P	03/10/16	Off-premises delivery of prescription medications by New York resident pharmacies	To require pharmacies to obtain patient consent before automatically delivering new or refilled prescriptions
EDU-13-15-00021-P	03/31/16	Supplementary Teaching Certificates in Bilingual Education and English to Speakers of Other Languages (ESOL)	To provide additional pathways for teacher certification candidates to obtain supplementary bilingual education extension and the ESOL supplementary certificate, for a three year period to conclude on June 30, 2018
EDU-27-15-00008-ERP	07/07/16	School receivership	To implement Education Law section 211-f, as added by Part EE, Subpart H of Ch. 56 of the Laws of 2015
EDU-40-15-00009-EP	10/06/16	Graduate-level teacher and educational leadership programs.	To establish minimum admission standards for graduate level teacher and leader preparation programs and requirements
EDU-45-15-00014-P	11/30/16	Preschool special education programs and services	To enact requirements relating to appointment of 1:1 aide by Committee on Special Education (CSE); Special Education Itinerant Services (SEIS); related services; and standards for approved preschool providers
EDU-52-15-00017-EP	12/29/16	Annual Professional Performance Reviews (APPR) of classroom teachers and building principals	To implement the recommendations of the New York Common Core Task Force Report by establishing transition ratings for teachers and building principals during a four-year transition period for APPRs
EDU-04-16-00003-RP	01/26/17	New York State Seal of Bilingual	To establish requirements for students to earn a State Seal of Bilingual.

Action Pending Index**NYS Register/March 16, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-04-16-00004-P	02/25/17	Procedures for State-level review of impartial hearing officer determinations regarding services for students with disabilities.	To revise the procedures for appealing impartial hearing officer decisions to a State review officer.
EDU-05-16-00003-EP	02/02/17	Examinations for Teacher Certification	To provide a safety net for candidates who take and fail Part Two: Mathematics of the new Multi-Subject: Secondary Teachers Grades 7-12 Content Specialty Test (CST) which is required for Students with Disabilities, Grades 7-12, Generalist Teacher Cert.
EDU-06-16-00004-P	02/09/17	School counseling, certification requirements for school counselors and the school counselor program registration requirements.	To implement policy enacted by the Board of Regents to enhance existing public school district guidance programs to require comprehensive developmental counseling programs for all students in grades prekindergarten through 12 by certified school counselors
EDU-10-16-00006-P	03/09/17	New York State High School Equivalency Diploma	To establish the National External Diploma Program (NEDP) as a pathway to earn a NYS High School Equivalency Diploma
EDU-10-16-00015-P	03/09/17	Citizenship requirements for professional licensure and certification in teaching and educational leadership service	To authorize the granting of licenses to individuals in the Title VIII professions and the certification of teachers and educational leaders to otherwise qualified aliens who are not unlawfully present in the U.S.
EDU-10-16-00017-EP	03/09/17	Execution by registered professional nurses of non-patient specific orders to administer tuberculosis tests	Authorize administration of other tests to detect/screen for tuberculosis in addition to purified protein derivative (PPD) tests
EDU-10-16-00018-P	03/09/17	Dental Anesthesia Certification Requirements for Licensed Dentists	To conform regulations to the current practice of dental anesthesia administration
ELECTIONS, STATE BOARD OF			
SBE-10-16-00003-P	03/09/17	Disclosure of Independent Expenditures	To conform 9 NYCRR 6200.10 to reflect amendment to Election Law 14-107 made by Chapter 56 of the Laws of 2015
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-19-15-00010-P	05/12/16	Fisher trapping seasons and bag limits and general trapping regulations for furbearers	Revise existing fisher seasons, establish a new season in central/western NY, update and clarify general trapping regulations
ENV-23-15-00008-RP	07/28/16	Environmental Remediation - Brownfield Cleanup Program	To amend the Environmental Remediation Program regulations that pertain to the Brownfield Cleanup Program
ENV-24-15-00013-P	06/16/16	Rule making to implement ECL 17-0826-a	To implement the reporting, notification and record keeping requirements of ECL 17-0826-a
ENV-34-15-00028-P	08/25/16	Qualifications for License Issuing Agents and Wildlife Rehabilitators	To remove regulatory requirements that exclude individuals with felonies from obtaining certain licenses and authorizations
ENV-45-15-00028-P	11/09/16	Science-based State sea-level rise projections	To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-50-15-00002-P	12/15/16	The management of black sea bass	Redefine the term trip limit to allow two fishers aboard a single vessel to possess and land the trip limit for black sea bass
ENV-50-15-00003-P	12/15/16	Atlantic Ocean surfclam management	To amend surfclam regulations to provide consistency with management measures of the Fishery Management Plan
ENV-50-15-00010-P	12/15/16	Aquatic Invasive Species Spread Prevention	To require that "reasonable precautions" are taken prior to placing watercraft into public waters to prevent the spread of AIS
ENV-51-15-00004-P	02/10/17	Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both	Establish emission limits for distributed generation sources
ENV-51-15-00005-P	12/22/16	Big bore air rifles	To allow big bore air rifles as legal implements for hunting big game
ENV-52-15-00010-P	12/29/16	Procedures for modifying or extinguishing a conservation easement held by the NYS DEC	Establish standards for the DEC to follow when modifying or extinguishing a CE and provide for a formal public review process
ENV-11-16-00004-P	06/07/17	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-18-15-00009-P	05/05/16	Title Insurance Rates, Expenses and Charges	To insure proper, non-excessive rates, compliance with Ins. Law 6409(d), and reasonable charges for ancillary services
DFS-50-15-00004-P	12/15/16	Regulating Transaction Monitoring and Filtering Systems maintained by banks, check cashers and money transmitters	To improve efficiency and transparency in the mortgage banker and mortgage broker licensing process
DFS-03-16-00003-EP	01/19/17	Standard financial aid award information sheet for institutions of higher education	Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet
DFS-08-16-00002-P	02/23/17	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To prohibit a health insurance policy or contract from providing coverage for conversion therapy to insureds under the age of 18
GAMING COMMISSION, NEW YORK STATE			
SGC-39-15-00005-P	09/29/16	Thoroughbred restricted time periods for various drugs	To enhance the integrity and safety of thoroughbred horse racing
SGC-39-15-00006-P	09/29/16	Reimbursement of awards for capital improvement projects at video lottery gaming ("VLG") facilities	Clarify when VLG agent must reimburse State upon divestment of a capital improvement for which capital award was received
SGC-07-16-00001-P	02/16/17	The use of cellular telephones and electronic communication devices in the paddock	To allow cellular telephones and other communication devices in designated areas of a harness race track paddock
SGC-07-16-00011-P	02/16/17	Thoroughbred pick-four, pick-five and pick-six wagers	To standardize and improve the pick-four, pick-five and pick-six wagers in thoroughbred racing

Action Pending Index

NYS Register/March 16, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GENERAL SERVICES, OFFICE OF			
GNS-07-16-00013-P	02/16/17	Outdoor lighting standards	To provide lighting standards that will help state agencies comply with Public Buildings Law section 143
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-08-15-00003-RP	05/25/16	Supplementary Reports of Certain Congenital Anomalies for Epidemiological Surveillance; Filing	To increase maximum age of reporting certain birth defects to the Congenital Malformations Registry
HLT-16-15-00014-P	04/21/16	Rate Rationalization – Prevocational Services, Respite, Supported Employment and Residential Habilitation	To establish new rate methodology effective July 1, 2015
HLT-30-15-00005-P	07/28/16	Practice of radiologic technology	To update regulations related to the practice of radiologic technology
HLT-30-15-00006-P	07/28/16	Medicaid provider enrollment	To make technical, conforming changes to regulations governing the enrollment of Medicaid providers of care, services and supplies
HLT-30-15-00007-P	07/28/16	Reciprocal Emergency Medical Technician Certification Requirements	To replace the emergency medical technician-intermediate category with the advanced emergency medical technician category
HLT-30-15-00008-P	07/28/16	Controlled Substances for EMS Agency Agent and Requirements for an Advanced Life Support System	To amend the regulations regarding the EMS Agency Agent and the Requirements for an Advanced Life Support System
HLT-30-15-00009-P	07/28/16	Requirements for Manufacturers and Distributors Regarding Controlled Substances	To clarify and use language consistent with current terminology used by the State Board of Pharmacy
HLT-39-15-00015-P	09/29/16	Women Infants and Children (WIC) Program Vendor Applicant Enrollment Criteria	To align NYS WIC Program operations with current federal requirements by amending the existing vendor enrollment criteria
HLT-43-15-00003-RP	10/27/16	Immediate Need for Personal Care Services (PCS) and Consumer Directed Personal Assistance (CDPA)	To implement 2015 State law changes regarding Medicaid applicants and recipients with immediate needs for PCS or CDPA
HLT-44-15-00003-P	11/03/16	Transgender Related Care and Services	To amend provisions regarding Medicaid coverage of transition-related transgender care and services
HLT-46-15-00006-P	01/10/17	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-47-15-00003-P	11/24/16	Sexually Transmitted Diseases (STDs)	Control of Sexually Transmitted Diseases (STDs); Expedited Partner Therapy for Chlamydia Trachomatis Infection
HLT-51-15-00008-P	12/22/16	Children's Camps	To include camps for children with developmental disabilities as a type of facility within the oversight of the Justice Center
HLT-06-16-00001-P	02/09/17	Home Care Agencies to Obtain Written Medical Orders from Physicians	Amend the clinical records rules for CHHAs & LHCSAs with regard to obtaining signed physician orders

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-06-16-00002-P	02/09/17	Perinatal Services	To update the Breastfeeding Mother's Bill of Rights to conform with recommended standards of care
HLT-06-16-00005-P	02/09/17	Hospice Operational Rules	To implement hospice expansion
HLT-06-16-00017-P	02/09/17	Extended Mammography Hours for General Hospitals and Hospital Extension Clinics	Requires those general hospitals and hospital extension clinics that offer mammography services to have extended hours
HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF			
HES-32-15-00002-ERP	08/11/16	Registration of manufacturers, distributors,wholesalers, various retailers of sparkling devices	Establish the registration process, fees and reporting requirements related to sparkling devices
HUMAN RIGHTS, DIVISION OF			
HRT-10-16-00019-P	03/09/17	Discrimination based on relationship or association	To clarify it is unlawful to discriminate because of relationship or association with members of a protected class
JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS			
JCP-28-15-00008-EP	07/14/16	Protocols for interviewing service recipients during investigations of abuse or neglect	To enhance protections for people with special needs during investigations of abuse or neglect
LABOR, DEPARTMENT OF			
LAB-21-15-00009-RP	05/26/16	Methods of Payment of Wages	This regulation provides clarification and specification as to the permissible methods of payment, including payroll debit cards
LAB-03-16-00009-P	01/19/17	Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages	This regulation sets forth standards for limitations on inquiry, discussion, or the disclosure of wages amongst employees
LAKE GEORGE PARK COMMISSION			
LGP-06-16-00006-P	03/28/17	Mandatory inspection of trailered vessels for aquatic invasive species prior to launching into the waters of Lake George Park	To prevent the introduction and spread of aquatic invasive species into the waters of the Lake George Park
LAW, DEPARTMENT OF			
LAW-47-15-00007-ERP	11/24/16	Clarification of Protections for Senior and Disabled Tenants During Condominium or Cooperative Ownership Conversions	To clarify the Martin Act's non-purchasing tenant protections for eligible senior citizens and eligible disabled persons
LAW-49-15-00011-P	12/08/16	Disclosure requirements for condominium offerors renting, rather than selling, unsold condominium units	To clarify a condominium offeror's disclosure obligations in a newly-constructed, vacant, or non-residential condominium

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LIQUOR AUTHORITY, STATE			
LQR-02-16-00002-P	01/12/17	Update outdated Freedom of Information Law procedures utilized by Authority	To update Authority procedures and ensure compliance with Freedom of information Law requirements under Pub. Off. Law., art. 6
LQR-06-16-00003-P	02/09/17	Alcohol Training and Awareness Program (ATAP) application processes and program requirements	To enact statutorily required Alcohol Training and Awareness Program (ATAP) application processes and program requirements
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-02-16-00014-P	exempt	Dynamic load management programs including direct load control, peak shaving, and contingency load relief	To establish dynamic load management programs consistent with tariff revisions approved by the PSC for the regulated utilities
LPA-02-16-00015-P	exempt	Community distributed generation net metering, remote net metering, and size limits for fuel cells	To authorize community distributed generation net metering and to modify provisions for remote net metering and fuel cells
MENTAL HEALTH, OFFICE OF			
OMH-08-16-00003-P	02/23/17	Rights of Patients	Make clear that conversion therapy is not a permissible treatment for minors in facilities under OMH jurisdiction
OMH-10-16-00005-P	03/09/17	Directors of Mental Hygiene Facilities as Representative Payees	Implement provisions of Mental Hygiene Law Section 33.07(e) regarding the management and protection of patient funds
METROPOLITAN TRANSPORTATION AGENCY			
MTA-50-15-00005-P	12/15/16	MTA Bus Company- Rules and Regulations	Regulate conduct on MTA buses and facilities to enhance safety and protect employees, customers, bus facilities and the public
MOTOR VEHICLES, DEPARTMENT OF			
MTV-03-16-00005-P	01/19/17	Use of the Vehicle Electronic Reassignment and Integrated Facility Inventory system	To require dealers to use the Vehicle Electronic Reassignment and Integrated Facility Inventory system
MTV-04-16-00005-P	01/26/17	Safety hearings	Conforms standard of proof to Court of Appeals decision and DMV practice
MTV-04-16-00006-P	01/26/17	International Registration Plan	To remove the exemption for charter buses from the International Registration Plan.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-47-15-00001-P	11/24/16	Adding windsurfing, sailboarding and paddleboarding to the list of activities regulated by OPRHP	To authorize the regulated activity by the public of windsurfing and stand-up paddleboarding
PKR-04-16-00001-P	01/26/17	Replaces outdated regional hunting regulations with a statewide regulation establishing a framework for regional hunting permits	Better enable regions to manage hunting through permit conditions rather than regional regulations
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-42-15-00002-RP	10/20/16	Article 16 Clinic Services and Independent Practitioner Services for Individuals with Intellectual Disabilities (IPSIDD)	To discontinue off-site Article 16 clinic services and to add requirements for IPSIDD
PDD-48-15-00003-P	12/01/16	Agency Name Change and Terminology Updates	To update the agency name and other terminology in the Title 14 NYCRR Part 600 series
PDD-11-16-00005-EP	03/16/17	Conforming Changes Related to Chapter 106 of the Laws of 2015	To make changes to regulations to conform to recent statutory changes set forth in Chapter 106 of the Laws of 2015
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-42-15-00004-P	exempt	Rates for the Sale of Power and Energy	To recover the Authority's fixed costs
PAS-42-15-00005-P	exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-28-97-00032-P	exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	exempt	Intralata freeze plan by New York Telephone Company	To approve the plan

Action Pending Index

NYS Register/March 16, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-50-99-00009-P	..... exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	..... exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-01-02-00007-P	..... exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
*PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices

Action Pending Index

NYS Register/March 16, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00006-P	..... exempt	Petition for the submetering of electricity at a residential senior citizen facility	To consider the request of Shinda Management Corp. to submeter electricity at 107-37 166th Street, Jamaica, New York
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847

Action Pending Index

NYS Register/March 16, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-52-11-00017-P	..... exempt	Reparations and refunds	Reparations and refunds
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-17-12-00007-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00008-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSERDA	Modify NYSERDA's EEPS programs budget and targets to fund the CHP program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-14-13-00005-P	..... exempt	Recovery of incremental expense.	To consider petition for recovery of incremental expense.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-24-13-00009-P	..... exempt	Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives	To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives
*PSC-24-13-00010-P	..... exempt	Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00011-P	..... exempt	Waiver of certain Commission requirements related to provision of customer information to credit reporting agencies.	To waive a utility's right to provide information to credit reporting agencies related to customers' payment histories.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-01-14-00017-P	..... exempt	Residential Time-of-Use Rates	To establish residential optional time of use delivery and commodity rates
*PSC-03-14-00009-P	..... exempt	disposition of tax refunds and other related matters	to determine the disposition of tax refunds and other related matters
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00009-P	..... exempt	Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-45-14-00003-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Bedford-Stuyvesant South One LLC to submeter electricity at 27 Albany Avenue, Brooklyn, NY
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff' s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff' s electric outage investigation report for MNRR, New Haven Line.
*PSC-51-14-00006-P	..... exempt	The Northeast Power Coordinating Council, Inc's A-Criteria documents and Criteria	To adopt revisions to various rules and measurements of the Northeast Power Coordinating Council, Inc.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-52-14-00026-P	..... exempt	Community Choice Aggregation.	To consider action related to Community Choice Aggregation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-01-15-00017-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
*PSC-03-15-00002-P	..... exempt	Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation	To determine whether a waiver is warranted
*PSC-04-15-00008-P	..... exempt	Re-billing SC No. 2 customers from March 2008 through March 2014.	To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate.
*PSC-04-15-00010-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00011-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00012-P	..... exempt	Disposition of tax refunds and other related matters.	To determine the disposition of tax refunds and other related matters.
*PSC-06-15-00003-P	..... exempt	Petition for submetering of electricity	To consider the request of City Point Residential LLC, to submeter electricity at 366 Flatbush Avenue Ext, Brooklyn, New York
*PSC-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues
PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
PSC-17-15-00006-P	..... exempt	Petition to submeter electricity	To consider the request of 56th and Park (NY) LLC, to submeter electricity at 432 Park Avenue, New York, New York
PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
PSC-18-15-00004-P	..... exempt	National Grid's electric Economic Development Programs	To revise the economic development assistance to qualified businesses
PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
PSC-18-15-00007-P	..... exempt	National Grid's Economic Development Programs	To authorize a new economic development program for National Grid's natural gas service territory
PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
PSC-19-15-00015-P	..... exempt	To consider the request of Hudson CBD Flatbush LLC to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York	To consider the request of Hudson CBD Flatbush LLC to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York
PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource
PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
PSC-23-15-00007-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 200 W. 54 Corp. to submeter electricity at 200 West 54th Street, New York, New York
PSC-24-15-00011-P	..... exempt	To consider adopting the recommendations of the Staff Report on addressing energy affordability for low income programs	To consider the Staff Report on, and recommendations of, best practices for implementing utility low income programs

Action Pending Index

NYS Register/March 16, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-25-15-00007-P	..... exempt	Waiver of certain Commission requirements related to blocking caller ID for emergency services	To allow a non-profit entity acting as an emergency service the ability to receive unblocked caller ID numbers
PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
PSC-26-15-00014-P	..... exempt	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)
PSC-26-15-00016-P	..... exempt	Petition to Submeter electricity	To consider the request of 39 Plaza Housing Corporation to submeter electricity at 39 Plaza Street West, Brooklyn, New York
PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
PSC-28-15-00006-P	..... exempt	The minor electric rate filing of Mohawk Municipal Commission	Whether to increase Mohawk Municipal Commission's annual electric revenues by approximately \$113,119 or 13.74%
PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
PSC-29-15-00020-P	..... exempt	Whether to waive the requirement that the customer have telecommunications service in place 30 days prior to July 1, 2015	To waive the requirement that the customer have telecommunications service in place 30 days prior to July 1, 2015
PSC-29-15-00022-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 92nd and 3rd Associates, LLC to submeter electricity at 205 East 92nd Street, New York, New York
PSC-29-15-00023-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Bridge Land Hudson LLC to submeter electricity at 261 Hudson Street, New York, New York
PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
PSC-31-15-00007-P	..... exempt	Plan to convert petroleum pipeline into a natural gas pipeline	Whether to approve the proposed conversion plan submitted by NIC Holding Corp
PSC-31-15-00010-P	..... exempt	Whether to approve, reject or modify, in whole or in part, revisions to Appendix B of the December 12, 2014 Order	To revise Appendix B of the December 12, 2014 Order
PSC-32-15-00005-P	..... exempt	Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications	To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications
PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
PSC-32-15-00007-P	..... exempt	Approval of cost recovery and incentive mechanisms for the NWA Project.	To approve the cost recovery and incentive mechanisms for the NWA Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
PSC-33-15-00008-P	..... exempt	Existing ratemaking, rate design and regulatory practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
PSC-34-15-00014-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Herkimer Street Residence, L.P. to submeter electricity at 437 Herkimer Street, Brooklyn, New York
PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
PSC-35-15-00008-P	..... exempt	Major electric revenue increase	To consider an increase to its annual electric revenues by approximately \$857,227 or 6.2%
PSC-35-15-00010-P	..... exempt	Notice of Intent to Submeter Electricity	To consider the request of 605 West 42nd Owner LLC to submeter electricity at 605 West 42nd Street, New York, New York
PSC-35-15-00011-P	..... exempt	Demand based Standby Service Charges levied upon Offset Tariff customers accounts	To consider a revision to demand based Standby Service Charges levied upon Offset Tariff customers accounts
PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
PSC-37-15-00006-P	..... exempt	Major electric rate filing	To consider an increase in NYSEG's electric delivery revenues by approximately \$122 million or 16.8%
PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
PSC-37-15-00008-P	..... exempt	Major gas rate filing	To consider an increase in NYSEG's gas delivery revenues by approximately \$36.3 million or 19.1%
PSC-37-15-00009-P	..... exempt	Major electric rate filing	To consider an increase in RG&E's electric delivery revenues by approximately \$53 million or 12.1%
PSC-37-15-00010-P	..... exempt	Major gas rate filing	To consider an increase in RG&E's gas delivery revenues by approximately \$21.8 million or 31.1%
PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-39-15-00008-P	..... exempt	Minor water rate filing	To consider an increase in Windham Ridge Water Corp.'s annual water revenues by approximately \$15,059 or 24.8%
PSC-39-15-00010-P	..... exempt	Major gas revenue increase	To consider an increase to its annual gas revenues by approximately \$1,228,000 or 2.96%
PSC-39-15-00011-P	..... exempt	A joint proposal filed on September 9, 2015	Resolution of Cases 09-M-0114 and 09-M-0243 regarding alleged imprudent contractor-related construction expenditures
PSC-39-15-00012-P	..... exempt	Petition to submeter electricity	To consider the request of 47 East 34th Street (NY), L.P., to submeter electricity at 49 East 34th Street New York, New York
PSC-40-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 106 MW electric generating facility	Consideration of approval of a lightened regulatory regime for an approximately 106 MW electric generating facility
PSC-40-15-00013-P	..... exempt	Issuance by Niagara Mohawk Power Corporation d/b/a National Grid of Long-Term indebtedness of up to \$2.07 billion	To consider a petition for authority to issue long-term indebtedness in the amount of up to \$2.07 billion until March 31, 2020
PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
PSC-41-15-00004-P	..... exempt	Whether to permit the use of the Enetics NILM Recorders	To consider permitting the use of the Enetics NILM Recorders
PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
PSC-41-15-00007-P	..... exempt	The allocation of costs for the extension of electric service	Whether to grant the complaint of Glenwyck Development, LLC
PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
PSC-42-15-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of Sandy Clarkson LLC to submeter electricity at 310 Clarkson Avenue, Brooklyn, New York.
PSC-42-15-00010-P	..... exempt	Petition for modification of Con Edison's S.C. No. 4 (Back-up/Supplementary) Steam Service.	To consider modifications to S.C. No. 4 of Con Edison's Schedule for Steam Service.
PSC-42-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to a proposed natural gas pipeline facility.	Consideration of a lightened regulatory regime for a proposed natural gas pipeline facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-15-00013-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-44-15-00021-P	..... exempt	AMI Business Plan of Con Edison	To consider Con Edison's AMI Business Plan
PSC-44-15-00025-P	..... exempt	Distributed System Implementation Plan Guidance	To consider DPS Staff's proposal regarding the filing of Distributed System Implementation Plans by utilities
PSC-44-15-00026-P	..... exempt	Transfer of water supply assets.	To consider the transfer of the water supply assets of Beekman Water Company, Inc. to the Town of East Fishkill.
PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
PSC-44-15-00032-P	..... exempt	Rider H - Non Residential Distributed Generation	To consider revisions to Rider H to allow for the aggregation of distributed generation capacity under certain circumstances
PSC-45-15-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of One Vandam Condominium to submeter electricity at 180 Avenue of the Americas, New York, New York.
PSC-47-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 150 Charles Street Holdings LLC to submeter electricity at 150 Charles Street, New York, New York
PSC-47-15-00009-P	..... exempt	Addition of LED options to NMPC's SC No. 2 in its street lighting schedule, P.S.C. No. 214 - Electricity	To consider the addition of LED options to NMPC's SC No. 2 in its street lighting schedule, P.S.C. No. 214 - Electricity
PSC-47-15-00010-P	..... exempt	Use of the AMETEK JEMStar II Digital Power Meter	To consider permitting the use of AMETEK Power Instrument's JEMStar II Digital Power Meter for electric metering applications
PSC-47-15-00011-P	..... exempt	SIR and the interconnection of Distributed Generation	Consider SIR and the interconnection of Distributed Generation
PSC-47-15-00012-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
PSC-47-15-00014-P	..... exempt	The calculation of NYSEG and RG&E's Percent of Estimate customer service quality metric for February 2015.	To consider a petition by NYSEG and RG&E to normalize the February 2015 level of meter reading estimates.
PSC-47-15-00015-P	..... exempt	Petition to transfer and merge telephone and cable systems, franchises and assets and issue debt.	Consider the the proposed acquisition of Cablevision, its systems, franchises and assets, by Altice and the issuance of debt.
PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
PSC-49-15-00008-P	..... exempt	Request of the New York Independent System Operator, Inc. to incur indebtedness	To consider a petition filed by the New York Independent System Operator, Inc. to incur indebtedness
PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
PSC-50-15-00007-P	..... exempt	Collaborative Report on proposed consumer protections for the low income customers of energy services companies.	To consider the Collaborative Report on proposed consumer protections for the low income customers of energy services companies.
PSC-50-15-00008-P	..... exempt	The transfer of 1,064 utility poles.	To consider the transfer of 1,064 utility poles from Orange and Rockland Utilities, Inc. to Frontier Communications Corp.
PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
PSC-51-15-00011-P	..... exempt	National Grid's electric Economic Development Programs	To consider modifications to the economic development assistance to qualified businesses
PSC-51-15-00013-P	..... exempt	Waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions	To consider a waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions
PSC-52-15-00013-P	..... exempt	The addition of third party financing options for Distributed Generation (DG), Natural Gas Vehicle (NGV) and Prime-WNY Programs.	To consider the addition of third party financing options for the DG, NGV and Prime-WNY Programs.
PSC-52-15-00014-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of EO 180 Water LLC to submeter electricity at 180 Water Street, New York, New York.
PSC-52-15-00015-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Astral for its apparent non-compliance with Commission requirements.
PSC-52-15-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of G-Z/10 UNP Realty, LLC to submeter electricity at 823 First Avenue, New York, New York.
PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
PSC-01-16-00003-P	..... exempt	Deferral of expenses	To consider a petition for the deferral of expenses
PSC-01-16-00004-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 10 Madison Square West to submeter electricity at 10 Madison Square West, New York, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
PSC-02-16-00007-P	..... exempt	The application of the earnings sharing mechanism related to a partial year period.	To consider Orange and Rockland Utilities, Inc.'s petition to address the application of the earnings sharing mechanism.
PSC-02-16-00008-P	..... exempt	Establishment of the regulatory regime and financing applicable to certain electric transmission facilities.	Consideration of a lightened regulatory regime and financing for certain electric transmission facilities.
PSC-02-16-00009-P	..... exempt	Proposed revisions to SC Nos. 1 and 2 to include net metering services for solar and wind generation.	To consider revisions to SC Nos. 1 and 2 to include net metering services for solar and wind generation.
PSC-02-16-00010-P	..... exempt	The 2015 Electric Emergency Response Plans for New York's six major electric utilities.	To consider the 2015 Electric Emergency Response Plans for New York's six major electric utilities.
PSC-02-16-00011-P	..... exempt	Proposed tariff revisions intended to clarify HEFPA requirements related to court orders for gaining access to meters.	To consider tariff revisions intended to clarify HEFPA requirements related to court orders for gaining access to meters.
PSC-02-16-00012-P	..... exempt	NYSEG's procedures, terms and conditions of its Targeted Financial Assistance Program.	Provide additional economic development program assistance for a new manufacturing facility.
PSC-02-16-00013-P	..... exempt	Tariff revisions intended to clarify HEFPA requirements related to court orders for gaining access to meters.	To consider tariff revisions intended to clarify HEFPA requirements related to court orders for gaining access to meters.
PSC-03-16-00006-P	..... exempt	A proposal to use certain deferred credits to offset costs associated with incremental capital expenditures	To consider the use of certain deferred credits to offset costs associated with capital expenditures and other related relief
PSC-03-16-00007-P	..... exempt	Petition to submeter electricity	To consider the Petition of Longhouse Cooperative to submeter electricity at 772 Elm Street Extension, Ithaca, New York
PSC-03-16-00008-P	..... exempt	Petition to submeter electricity	To consider the request of 910 Fifth Avenue Corporation to submeter electricity at 910 Fifth Avenue, New York, New York
PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
PSC-04-16-00008-P	..... exempt	Clean Energy Standard	To consider funding for renewable and other non-emitting electric generation facilities
PSC-04-16-00009-P	..... exempt	Central Hudson's remote net metering qualification requirements and application process for farms.	Consider Central Hudson's remote net metering qualification requirements and application process for farms.
PSC-04-16-00010-P	..... exempt	Proposed revisions to add and clarify provisions related to electric generators under SC No. 14.	To consider revisions to SC No. 14 and align the electric generator provisions with its downstate companies, KEDLI and KEDNY.
PSC-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
PSC-04-16-00014-P	..... exempt	Extension of the monetary crediting period to thirty years for four specified photovoltaic projects.	To consider extending the monetary crediting period to thirty years for four specified photovoltaic projects.
PSC-04-16-00015-P	..... exempt	Minor electric rate filing.	To consider the Village of Fairport's proposed increase in annual electric revenues by approximately \$464,440 or 2.49%.
PSC-05-16-00004-P	..... exempt	Sale of certain transmission project assets from Con Edison and O&R to NY Transco	To consider the sale of assets from Con Edison and O&R to NY Transco
PSC-05-16-00005-P	..... exempt	Sale of certain assets relating to the Fraser to Coopers Corner transmission project from NYSEG to the NY Transco	To consider the sale of assets from NYSEG to the NY Transco
PSC-06-16-00007-P	..... exempt	Transfer of water supply assets.	To consider the sale of water supply assets of Northeast Water Services to Suez Water Owego-Nichols, Inc.
PSC-06-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 31 Lincoln Road Development LLC to submeter electricity at 31-33 Lincoln Road, Brooklyn, NY.
PSC-06-16-00009-P	..... exempt	Minor water rate filing.	To consider an increase in Rainbow Water Company, Inc.'s annual water revenues by approximately \$16,248 or 20.7%.
PSC-06-16-00010-P	..... exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
PSC-06-16-00011-P	..... exempt	Continuation of lightened regulation for electric generating plant.	To consider the continuation of lightened regulation for electric generating plant.
PSC-06-16-00012-P	..... exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
PSC-06-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 31 Lincoln Road Development LLC to submeter electricity at 510 Flatbush Ave., Brooklyn, NY.
PSC-07-16-00015-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 20 Lafayette LLC to submeter electricity at 286 Ashland Place, Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-07-16-00016-P	..... exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
PSC-07-16-00017-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services	To consider changes to the retail access program to implement Tier 2A - Storage Capacity Release and other tariff revisions
PSC-07-16-00018-P	..... exempt	The use of the Open Way Centron 3.5 commercial meter, with 4G LTE cellular or modem communications for electric metering	To consider the use of the Itron Open Way Centron 3.5 meter
PSC-07-16-00019-P	..... exempt	Conversion of P.S.C. No. 1 to an electronic format and add a provision to its Service Classification No.1	To consider conversion of P.S.C. No. 1 to an electronic format and add a provision to its Service Classification No.1
PSC-07-16-00020-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service	To consider changes to the retail access program to implement Tier 2A - Storage Capacity Release and other tariff revisions
PSC-07-16-00021-P	..... exempt	NYSEG's request to collect funding for natural gas Energy Efficiency Portfolio Standard programs	To consider NYSEG's request to collect funding for natural gas Energy Efficiency Portfolio Standard programs
PSC-08-16-00006-P	..... exempt	Examination of terms and conditions of utility service received by Fastrac Markets, LLC.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
PSC-08-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BOP MW Residential Market LLC and BOP MW Residential Affordable LLC to submeter electricity.
PSC-09-16-00003-P	..... exempt	Long-term loan agreement	To consider Fishers Island's petition to enter into a long-term loan agreement
PSC-09-16-00004-P	..... exempt	Stock Acquisition	To consider the acquisition of the stock of Bristol Water-Works Corporation by Bristol Harbour Resort Management LLC
PSC-10-16-00007-P	..... exempt	To propose revisions to the Dynamic Load Management Programs.	To consider revisions to the Dynamic Load Management Programs.
PSC-10-16-00008-P	..... exempt	To propose revisions to the Dynamic Load Management Programs.	To consider revisions to the Dynamic Load Management Programs.
PSC-10-16-00009-P	..... exempt	To propose revisions to the Dynamic Load Management Programs.	To consider revisions to the Dynamic Load Management Programs.
PSC-10-16-00010-P	..... exempt	Stock Acquisition	To consider the acquisition of the stock of Whistle Tree Development Corporation by Scribners Catskill Lodge, LLC.
PSC-10-16-00011-P	..... exempt	Petition to issue and sell unsecured debt obligations.	To consider Con Edison's request to issue and sell unsecured debt obligations.
PSC-10-16-00012-P	..... exempt	To revise the method of calculating capacity charges for customers billed under Rider M - Day-Ahead Hourly Pricing (Rider M).	To consider tariff changes that revise the method of calculating capacity charges for customers billed under Rider M.
PSC-10-16-00013-P	..... exempt	To propose revisions to the Dynamic Load Management Programs.	To consider revisions to the Dynamic Load Management Programs.

Action Pending Index

NYS Register/March 16, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-10-16-00014-P	..... exempt	To propose revisions to the Dynamic Load Management Programs.	To consider revisions to the Dynamic Load Management Programs.
PSC-10-16-00016-EP	..... exempt	Safety of water supply	To ensure safe water supply through compliance with county Department of Health recommendations
PSC-11-16-00007-P	..... exempt	Petition to eliminate quarterly reporting on electronic deferred payment agreements	To consider the request of National Fuel Gas to eliminate quarterly reporting on electronic deferred payment agreements
PSC-11-16-00008-P	..... exempt	Proposed zero-emissions credits purchase program regarding certain nuclear power plants	To avoid adverse air emissions from fossil-fueled generation that would replace nuclear generation
PSC-11-16-00010-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00011-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00012-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00013-P	..... exempt	Leakage survey and corrosion inspection requirements	To establish protocols and timeframes for completing leakage surveys and corrosion inspections on gas service lines
PSC-11-16-00014-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00015-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00016-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 504 Myrtle Residential Owner LLC to submeter electricity at 504 Myrtle Avenue, Brooklyn, NY
PSC-11-16-00017-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY
PSC-11-16-00018-P	..... exempt	Rolling Meadows Water Corporation's rates for the provision of water	To consider an increase in Rolling Meadows Water Corporation's annual water revenues by approximately \$169,841 or 34.05%
PSC-11-16-00019-P	..... exempt	Lease of real property	To consider whether to grant authority to NYSEG to lease a portion of certain real property to Columbia Memorial Hospital
RGT-04-16-00002-P	..... 01/26/17	Identifies prohibited conduct, consequences of prohibited conduct, and the available appeals process	To provide rules governing prohibited conduct to enhance the safety of the public using RGRTA's transportation services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
DOS-22-15-00017-P	06/02/16	Facility requirements for businesses which offer appearance enhancement services	Increase ventilation standards for businesses which offer appearance enhancement services
DOS-28-15-00004-EP	08/30/16	Installation of carbon monoxide detecting devices in commercial buildings	To amend the State Uniform Fire Prevention and Building Code (Uniform Code) by adding standards requiring the installation of carbon monoxide detecting devices in every commercial building
DOS-47-15-00016-P	01/28/17	State Energy Conservation Construction Code (the "Energy Code")	To repeal the existing Energy Code and to adopt a new, updated Energy Code
DOS-47-15-00017-P	01/27/17	Adopt updated provisions for the Uniform Fire Prevention and Building Code ("Uniform Code")	To repeal the existing text of the Uniform Code and adopt updated text for the Uniform Code
DOS-10-16-00020-P	03/09/17	Unlawful discriminatory practice by brokers and salespersons	To discourage invidious discrimination in making housing accommodations available to the public
STATE UNIVERSITY OF NEW YORK			
SUN-38-15-00002-P	09/22/16	Proposed amendments to traffic and parking regulations at State University of New York University at Buffalo	Amend existing regulations to update traffic and parking regulations
SUN-05-16-00001-P	02/02/17	University Faculty Senate	To amend amend the Policies of the Board of Trustees regarding the University Faculty Senate
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-05-16-00002-EP	02/02/17	City of New York withholding tables and other methods	To provide current City of New York withholding tables and other methods
TAF-10-16-00002-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period April 1, 2016 through June 30, 2016
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-20-15-00001-P	05/19/16	Information appropriate for victims of sexual assault	To require social services districts to make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault consistent with Chapter 427 of the Laws of 2009
TDA-22-15-00005-P	06/02/16	Supplemental Nutrition Assistance Program	Update regulations for the Transitional Benefits Alternative program
TDA-27-15-00002-P	07/07/16	Child support federal incentive payments	To update State procedures to distribute federal child support incentives and allocate portions thereof to local districts
TDA-37-15-00005-P	09/15/16	Monthly Shelter Supplements	To update State regulations to reflect current State law
TDA-39-15-00016-P	09/29/16	Temporary Housing Placements	Adjust the rate approval process for temporary housing placements and expand the scope of inspections for such placements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-45-15-00011-P	11/09/16	Burden of proof at fair hearings challenging Interim Assistance Reimbursement (IAR) amounts	Clarify existing State regulations relative to fair hearings and render them consistent with New York State court precedents
TDA-45-15-00012-P	11/09/16	Public Assistance (PA) resources exemption for four-year accredited post-secondary educational institutions	To update State regulation governing PA resources exemption, rendering it consistent with Chapter 58 of the Laws of 2014
TDA-46-15-00005-P	11/17/16	Storage of furniture and personal belongings	Provide clarification regarding allowances for the storage of furniture and personal belongings
TDA-47-15-00004-P	11/24/16	Child Support Program	Amend regulatory requirements concerning the distribution and disbursement of child support collections
TDA-03-16-00001-P	01/19/17	Referrals of human trafficking victims from established providers of social or legal services	Conform State regulations to referral requirements of Chapter 368 of the Laws of 2015
TDA-06-16-00016-EP	02/09/17	Emergency shelters	Emergency measures concerning shelters
TRANSPORTATION, DEPARTMENT OF			
TRN-47-15-00002-P	11/24/16	Various regulations addressing accident reporting, record retention, insurance, vehicle inspection and equipment identification	Updates to regulations addressing accident reporting, record retention, insurance, vehicle inspection, equipment identification
TRN-48-15-00005-P	12/01/16	Updates to various household goods provisions	Updates various household goods provisions
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-08-16-00005-P	02/23/17	Proposal to strengthen toll violation enforcement on TBTA bridges and tunnels	To deter toll evasion
WORKERS' COMPENSATION BOARD			
WCB-14-15-00009-P	04/07/16	Health Insurance Matching Program (HIMP)	Provide the process for health insurers to recover from workers' compensation carriers
WCB-45-15-00019-P	11/09/16	Stipulations	To streamline the process for parties to enter into stipulations in workers' compensation proceedings
WCB-45-15-00020-P	11/09/16	Requests for Administrative Review	To clarify the process for requesting administrative review and full Board review including requests for reconsideration
WCB-45-15-00021-P	11/09/16	Convene Board hearings by electronic means	Permit the Chair to convene Board hearings by electronic means
WCB-45-15-00023-P	11/09/16	Permitted expenses for funerals	To increase the permitted amount for reimbursement of funeral and memorial services for work related deaths
WCB-45-15-00025-P	11/09/16	Medical Treatment Guideline variances	Permit the Chair to require submission of variance requests via an electronic medical portal
WCB-45-15-00026-P	11/09/16	Medical Authorizations	Permit the Chair to require submission of medical authorization requests via an electronic medical portal

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-45-15-00027-P	..... 11/09/16	Medical Treatment Guideline optional prior approval	Change the time to respond from business days to calendar days

RULE REVIEW

Office of Mental Health

Rule Review Continuation – 2011, 2006 and 2001

Pursuant to Section 207 of the State Administrative Procedure Act, notice is hereby provided of the continuation without modification of the following rules that were reviewed in 2016 by the Office of Mental Health (OMH). These rules were adopted during the calendar years 2011 and 2006. OMH adopted two additional regulations in 2001, but because those rules were promulgated via the consensus process, they are exempt from rule review. Notice that a review of regulations would be conducted, and public comment would be accepted until 45 days after date of publication, was provided in the January 6, 2016 edition of the State Register. No comments were received by OMH.

All Part and Section references are to Title 14 of the New York Codes, Rules and Regulations.

#OMH-32-11-00003-A Implementation of Medicaid Fee Reductions in Various OMH-Licensed Programs. Proposed in State Register on August 10, 2011; Adopted October 19, 2011.

Action: Amendment of three separate Parts of Title 14 NYCRR – Part 512 (Personalized Recovery Oriented Services “PROS”); Part 588 (Medical Assistance Payment for Outpatient Programs); Part 591 (Medical Assistance Payment for Comprehensive Psychiatric Emergency Programs “CPEP”).

Legal Basis: Mental Hygiene Law Sections 7.09, 43.01, and 43.02.

Justification: OMH has determined that continuation of this regulation without modification is necessary because the amendments, which implemented a 1.1% reduction to Medicaid, were required by the 2011-2012 enacted State budget. This Medicaid fee reduction applied to the following OMH-licensed programs: PROS, Day Treatment, Partial Hospitalization, Intensive Psychiatric Rehabilitation Treatment Programs and CPEP. The regulations were amended in 2012 and most recently in 2015 to reflect new rates consistent with the enacted State budget during those years.

#OMH-32-11-00004-A Medical Assistance Rates of Payment for Residential Treatment Facilities for Children and Youth. Proposed in State Register on August 10, 2011; Adopted November 2, 2011.

Action: Amendment of 14 NYCRR Part 578 (Medical Assistance Rates of Payment for Residential Treatment Facilities “RTF” for Children and Youth).

Legal Basis: Mental Hygiene Law Sections 7.09 and 43.02.

Justification: OMH has determined that continuation of this regulation without modification is necessary to adjust the reimbursement methodology for eligible pharmaceutical costs for RTFs and to freeze rates of payment to RTF providers effective July 1, 2011. The rate freeze was consistent with the 2011-2012 enacted State budget. An amendment one year later extended the freeze in rates through June 30, 2013, which was consistent with the 2012-2013 enacted State budget.

#OMH-34-11-00017-A Implementation of 1.1% Medicaid Fee Reductions for Operating Rates of Continuing Day Treatment Programs. Proposed in State Register on August 24, 2011; Adopted November 2, 2011.

Action: Amendment of 14 NYCRR Part 588 (Medical Assistance Payment for Outpatient Programs).

Legal Basis: Mental Hygiene Law Sections 7.09, 43.01, and 43.02.

Justification: OMH has determined that continuation of this regulation without modification is necessary because the amendments, which implemented a 1.1% reduction to Medicaid, were required by the 2011-2012 enacted State Budget. This Medicaid fee reduction applied to Continuing Day Treatment (CDT) Programs licensed pursuant to Article 31 of the Mental Hygiene Law and operated by agencies licensed pursuant to Article 28 of the Public Health Law, as well as CDT programs licensed solely under Article 31 of the Mental Hygiene Law.

#OMH-27-05-00003-A Patient Visiting Rights. Proposed in State Register on July 6, 2005; Continued on December 28, 2005; Adopted on July 5, 2006.

Action: Amendment of Section 527.2(c) of Title 14 NYCRR (Rights of Patients), addition of a new Section 527.10, and repeal of Part 21 (Communications and Visits).

Legal Basis: Mental Hygiene Law Sections 7.09 and 33.05.

Justification: OMH has determined that continuation of this regulation without modification is necessary because the amendments updated the standards governing visiting rights of patients in facilities under the jurisdiction of OMH and served to ensure that those standards were fully contained in 14 NYCRR Part 527.

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE ELECTRICAL SYSTEM Collins Correctional Facility Collins, Erie County

Sealed bids for Project No. M3057-E, for Electrical Work, Rehabilitate Electrical System, Buildings 62, 63, 64, Collins Correctional Facility, Middle Road, Collins, (Erie County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 23, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$22,100 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the

Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be within 270 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 10, 2016 at OGS Gowanda Field Office, 14312 Taylor Hollow Road, Gowanda, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Kim Himes, (716) 532-5151 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

REPLACE HOT WATER TANKS/ROOFING Attica Correctional Facility Attica, Wyoming County

Sealed bids for Project Nos. Q1661-C, Q1661-H, Q1661-P, Q1661-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Replace Domestic Hot Water Tanks and EPDM Roofing, Building 9, Attica Correctional Facility, Exchange Street, Attica (Wyoming County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 23, 2016, when they will be publicly

opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$16,100 for C, \$13,700 for H, \$20,600 for P, and \$4,500 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for C, between \$100,000 and \$250,000 for H, between \$250,000 and \$500,000 for P, and between \$50,000 and \$100,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 210 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 10, 2016 at OGS Attica Field Office, 30 Hunt Blvd., Attica, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Kristina Green, (585) 591-0356 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

**REPLACE
EMERGENCY GENERATOR/SWITCH GEAR
Bare Hill Correctional Facility
Malone, Franklin County**

Sealed bids for Project No. 44706-E, for Electrical Work, Replace Emergency Generator & Switchgear, Buildings 20 & 43, Bare Hill Correctional Facility, 181 Brand Road, Malone (Franklin County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 30, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$80,000 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 440 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 17, 2016 at Malone Field Office, 30 Bare Hill Road, Malone, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Jordan Marsh, (518) 483-8170 Ext. 104 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

*By John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group*

**REMOVE/REPLACE
BOILERS
Goshen Residential Center
Goshen, Orange County**

Sealed bids for Project Nos. 44807-H, 44087-E, comprising separate contracts for HVAC Work and Electrical Work, Remove/Replace Boilers, Goshen Residential Center, 97 Cross Road, Goshen (Orange County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Children and Family Services, until 2:00 p.m. on Wednesday, March 30, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$48,000 for H and \$7,100 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for H and between \$50,000 and \$100,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will

be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 200 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 18, 2016 at Goshen Residential Center, Main Entrance, 97 Cross Road, Goshen, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Robin Griffiths (845) 365-0730 Ext. 101.

NEW REQUIREMENT- Contractors MUST call 24 hours in advance or they will not be allowed in the facility.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

*By John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group*

**UPGRADE
HEATING SYSTEM
Willard Drug Treatment Center
Willard, Seneca County**

Sealed bids for Project Nos. 44941-H, 44941-E, comprising separate contracts for HVAC Work and Electrical Work, Upgrade Heating System, Buildings 131 & 136, Willard Drug Treatment Center, 7116 County Route 132, Willard (Seneca County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 30, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$49,900 for H and \$10,600 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for H and between \$100,000 and \$250,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 500 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on March 17, 2017 at OGS Willard Field Office, Route 96-A, Grandview Building, Willard, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Donna Decker, (607) 869-5394 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

**REPLACE
CHILLER**
Ulster Correctional Facility
Napanoch, Ulster County

Sealed bids for Project Nos. 44947-H, 44947-E, comprising separate contracts for HVAC Work and Electrical Work, Replace Chiller, Administration Building 1, Ulster Correctional Facility, 750 Berme

Road, Napanoch (Ulster County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 23, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$23,400 for H and \$6,000 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for H and between \$50,000 and \$100,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 400 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 10, 2016 at Eastern OGS Field Office, 601 Berme Road, Corecraft Building Basement, Napanoch, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Sue VanAlstyne, (518) 894-5137 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

*By John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group*

**REPLACE
ROOFS**
Elmira Correctional Facility
Elmira, Chemung County

Sealed bids for Project No. 44962-C, for Construction Work, Replace Roofs, Buildings 46 & 11, I-Block and G-Block Respectively, Elmira Correctional Facility, 1879 Davis Street, Elmira (Chemung County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 23, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$43,100 for C.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 400 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on March 10, 2016 at Elmira Correctional Facility, Field Office Trailer, 1879 Davis Street, Elmira, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Lara Franzese, (607) 734-0592 Ext. 110 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

*By John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group*

**REPLACE
COOLERS/FREEZERS**
Elmira Correctional Facility
Elmira, Chemung County

Sealed bids for Project Nos. 44963-C, 44963-H, 44963-E, comprising separate contracts for Construction Work, HVAC Work and Electrical Work, Replace Coolers/Freezers, Mess Hall, Building 16, Elmira Correctional Facility, 1879 Davis Street, Elmira (Chemung County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 23, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$33,000 for C, \$15,600 for H and \$6,200 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C, between \$100,000 and \$250,000 for H and between \$50,000 and \$100,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design & Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain

findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 587 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 10, 2016 at Elmira Correctional Facility, Field Office Trailer, 1879 Davis Street, Elmira, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Lara Franzese, (607) 734-0592 Ext. 110 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

**REPLACE
CELL MANUAL RELEASE COMPONENTS
Sullivan Correctional Facility
Fallsburg, Sullivan County**

Sealed bids for Project No. 45035-C, for Construction Work, Replace Cell Manual Release Components, Building 3, Units A, B, D & E, Sullivan Correctional Facility, 325 Riverside Drive, Fallsburg (Sullivan County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 30, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$88,500 for C.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C.

The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 806 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 18, 2016 at Sullivan Correctional Facility, OGS Field Office Trailer, 325 Riverside Drive, Fallsburg, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Sue VanAlstyne, (518) 894-5137 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

**REPLACE
WINDOWS
Groveland Correctional Facility
Sonyea, Livingston County**

Sealed bids for Project Nos. 45191-C, 45191-H, comprising separate contracts for Construction Work and HVAC Work, Replace

Windows, Building 82, Groveland Correctional Facility, 7000 Sonyea Road, Sonyea (Livingston County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 30, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$30,400 for C and \$11,800 for H.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C and between \$100,000 and \$250,000 for H. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 450 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 18, 2016 at OGS Field Office Trailer, Route 36, Sonyea Road, Sonyea, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Vicki Thielges, (585) 658-2900 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

REPLACE ROOF

Elmira Correctional Facility
Elmira, Chemung County

Sealed bids for Project No. 45209-C, for Construction Work, Replace Roof, Building 18, Elmira Correctional Facility, 1879 Davis Street, Elmira (Chemung County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 30, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$29,600 for C.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 210 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 17, 2016 at Elmira Correctional Facility, OGS Field Office Trailer, 1879 Davis Street, Elmira, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Lara Franzese, (607) 734-0592 Ext. 110 a mini-

mum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency
Services
1220 Washington Ave.
State Campus, Bldg. 7A
Albany, NY 12242

ELIGIBLE NONPROFIT ORGANIZATIONS LOCATED WITHIN
THE NEW YORK CITY URBAN AREA

**Federal Fiscal Year 2016 Urban Area Security Initiative (UASI)
Nonprofit Security Grant Program (NSGP)**

Description:

Request for Applications (RFA) for up to \$75,000 in federal Urban Area Security Initiative (UASI) Nonprofit Security Grant Program (NSGP) funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES) from the U.S. Department of Homeland Security Federal Emergency Management Agency. There is a total of \$20 million nationally in funding available under this grant program and funds will be awarded competitively based on the submission of applications by eligible nonprofit organizations located within the New York City Urban Area.

Funding will be awarded to support target hardening activities to nonprofit organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code) that are at high risk of terrorist attack due to their ideology, beliefs, or mission and are located within the New York City Urban Area (includes the Cities of New York and Yonkers and the Counties of Westchester, Nassau and Suffolk). The program seeks to integrate nonprofit preparedness activities with broader state and local preparedness efforts. It is also designed to promote coordination and collaboration in emergency preparedness activities among public and private community representatives, as well as State and local government agencies.

Due to the competitive nature of this program, funding preference will be given to nonprofit organizations that have not received prior years funding.

Applications will be accepted only through March 28, 2016, through New York State's Division of Homeland Security and Emergency Services (NYS-DHSES) electronic grants management system (E-Grants).

Division of Homeland Security and Emergency Services, Attn: Marianne Lindsay, at the above address, grants@dhSES.ny.gov, 1-866-837-9133.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to expand the First-Time Mothers/Newborns Comprehensive Medicaid Case Management program to include Albany, Erie, Cayuga, Chautauqua, Nassau, Niagara, Chemung, and Westchester counties, effective April 1, 2016. This expansion will allow additional expectant mothers and their newborns access to nurse home-visiting services.

Case management services include assessment, development of a plan of care, referral to needed services, and monitoring. First-Time Mothers/Newborns Comprehensive Medicaid Case Management program, modeled after the national Nurse Family Partnership program, is an evidence-based home visiting program which focuses on a target group of low-income, high risk, pregnant women who will be first-time mothers and their newborns up to the child's second birthday.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for State fiscal year 2016/2017 is \$178,560.

The public is invited to review and comment on this proposed State Plan Amendment. Copies of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status.

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99
Washington Ave., One Commerce Plaza, Suite 1460, Albany, NY
12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE Department of State F-2015-0928

Date of Issuance – March 16, 2016

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2015-0928, Kathleen Tropin, is proposing the construction of a new dock within the Significant Coastal Fish and Wildlife Habitat of Shelter Island Eastern Shallows, on property located at 52 Gardiners Bay Drive, in Shelter Island, Suffolk County. Kathleen Tropin proposes to construct a 4'x40' ramp and 4'x80' fixed dock with a 4'x5' cantilevered platform on the west side; from the cantilevered platform, install a 4'x16' fixed ramp onto a 4'x20' lower platform; install four single pile mooring piles; construct 3' wide crossover stairs for public access to the beach; install a mooring anchor 150' seaward of offshore end of dock; and provide water and electrical service to the offshore end of dock. The stated purpose of the proposed action is to provide dockage and access to the boat at the applicant's residence.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, April 15, 2016.

Comments should be addressed to the Consistency Review Unit,

Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.